

JOE WARDY
MAYOR



CITY COUNCIL

SUSAN AUSTIN
DISTRICT NO. 1

ROBERT A. CUSHING, JR.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO
DISTRICT NO. 3

JOHN F. COOK
DISTRICT NO. 4

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR
DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7

ANTHONY W. COBOS
DISTRICT NO. 8

REGULAR COUNCIL MEETING
COUNCIL CHAMBERS
FEBRUARY 17, 2004
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Joe Wardy present and presiding and the following Council Members answered roll call: Susan Austin, Robert A. Cushing, Jr., Jose Alexandro Lozano, John F. Cook, Daniel S. Power, Paul J. Escobar and Anthony W. Cobos. Absent: Vivian Rojas. Meeting was called to order at 9:12 a.m. and the invocation was given by Police Chaplain Clift Barnes, followed by the Pledge of Allegiance to the Flag of the United States of America.

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Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 9:18 a.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A. Discussion and action on the petition to recall Representative Paul Escobar, the holding of the recall election, and options for the City of El Paso related thereto. (551.071)
- B. Discussion and action on my request to withdraw the recall petition against City Rep. Paul Escobar which was submitted to the City Clerk's Office without my authorization on January 26, 2004. Again, I ask the petition be withdrawn because it was submitted without my authority and no one was given authority to act on my behalf. I hereby state that Hector Daly, the person who attested to the petition, was in no way involved in either taking signatures or witnessing the taking of signatures. Should my request to have the recall petition withdrawn be denied, I ask this City Council to refer this matter to the appropriate Legislative Committee before further action is taken in this matter. [Robert Barragan] (551.071)
- C. Discussion and action to order the recall election for Representative Paul Escobar, District VI to be held at the next permitted election date. (551.071)

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to adjourn the Executive Session at 9:44 a.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

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Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried that the City, having taken notice of the City Clerk Legislative Review Committee meeting held on February 11, 2004 and having reviewed the affidavits completed by Robert Barragan, finds that there is evidence to believe that substantial harm may occur to the City, its elected officials and the qualified voters in District 6 should the sufficiency of the recall petition not be lawfully and appropriately determined and that the City Attorney's Office be authorized to pursue any and all legal avenues and remedies available to ensure that all such lawful and appropriate determinations be made regarding the sufficiency of the recall petition.

Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to move into executive session the discussion and action on my request to withdraw the recall petition against City Rep. Paul Escobar which was submitted to the City Clerk's Office without my authorization on January 26, 2004. Again, I ask the petition be withdrawn because it was submitted without my authority and no one was given authority to act on my behalf. I hereby state that Hector Daly, the person who attested to the petition, was in no way involved in either taking signatures or witnessing the taking of signatures. Should my request to have the recall petition withdrawn be denied, I ask this City Council to refer this matter to the appropriate Legislative Committee before further action is taken in this matter. [Robert Barragan]

Mr. Fernando Chacon, citizen, requested that comments regarding alleged criminal violations not be made in the media.

Mr. Jaime O. Perez, citizen, spoke in opposition to any delay in ordering the recall election. He spoke against Mr. Barragan's allegations and commented on the City Clerk Legislative Review Committee meeting held on February 11, 2004.

Mayor Joe Wardy stated that the Council was fulfilling their administrative duties as per the law.

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Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to move to the forefront of the agenda and into executive session the discussion and action to order the recall election for Representative Paul Escobar, District VI, to be held at the next permitted election date.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to take no action on the item posted for the discussion and action to order the recall election for Representative Paul Escobar, District VI, to be held at the next permitted election date.

Representative Cobos stated that Ms. Richarda Duffy Momsen, City Clerk, had fulfilled the obligation of bringing the recall notice to Council and that the Council had accepted the information. He stated that information would be made public.

Representative Cushing clarified that the Council had acknowledged the receipt of the recall notice, not accepted.

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No action was taken on the Presentation of the El Paso Empowerment Zone 2003 Annual Report.
[Phyllis Caves Rawley, Executive Director]

Ms. Caves Rawley, Executive Director of the El Paso Empowerment Zone, gave a Powerpoint presentation regarding the El Paso Empowerment Zone's 2003 Annual Report (on file in the City Clerk's office) and discussed the functions, operations and future goals of the Empowerment Zone. She answered questions from and responded to comments made by the Council Members.

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Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to postpone one (1) week the following item: In protection of freedom of speech. [Anita Blair]

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Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.
(Items approved, postponed, or deleted pursuant to the vote on the Consent Agenda will be shown with an asterisk {*}).

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*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meetings of January 21, 2003 and February 10, 2004.

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*Motion made, seconded and unanimously carried to excuse Representative Vivian Rojas from the Regular City Council Meeting of February 17, 2004.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Memorandum of Lease by and between the City of El Paso ("Lessor") and Mac Hotel Properties I, L. P. ("Lessee") for the property described as Tract F of Lot 1, Block 19, El Paso International Airport Tracts, Unit 10, City of El Paso, El Paso County, Texas, municipally known and numbered as 6789 Boeing, El Paso, Texas, consisting of 156,116.54 square feet and more commonly known as the Hawthorn Suites Hotel.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Pre-Qualification Requirements and Procedures, as related to the Selection Procedures for Architects, Engineers and Land Surveyors, is hereby approved by the City Council of the City of El Paso as attached hereto as Attachment "A" (Attachment "A" on file in the City Clerk's Office).

Mr. Ray Adaauto, El Paso Association of Builders, requested that the City review the fees so as to match the services provided by the City and that the City take a "best business practice" approach regarding the third party plan review process.

Representative Cobos suggested that the Ordinance be moved to the forefront of the City Council agenda if further discussions were held.

Mayor Joe Wardy requested that Ms. Adaauto place an item on the February 24, 2004 agenda regarding the giving of a report to the Council Members.

Motion made by Representative Lozano, seconded by Representative Cushing and carried to approve the above Resolution.

AYES:	Representatives Austin, Cushing, Lozano and Power
NAYS:	Representative Cook and Cobos
NOT PRESENT:	Representative Escobar
EXCUSED:	Representative Rojas

NOTE: This Resolution was considered together with the public hearing for an Ordinance amending Title 2 (Administration and Personnel), Chapter 2.88 (Architect-Engineer Selection Committee), of the El Paso Municipal Code, to revise the existing procedures to enumerate a new selection procedure.

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***RESOLUTION**

WHEREAS, the City of El Paso adopted its first municipal strategic plan on December 4, 2001 that was a collective vision of City Departments to respond to challenges and opportunities confronting the City; and

WHEREAS, this first phase assessed only the internal capacity of the City to identify the organizational purpose and direction of the City Departments; and

WHEREAS, the City now wishes to examine the external environment to increase the capacity for reaching, identifying and assessing community problems and needs for setting a community vision; and

WHEREAS, the City desires to utilize an outside resource to conduct this community visioning process to ensure that it is a fair and unbiased assessment; and

WHEREAS, the City has determined that the University of Texas at El Paso, through its Institute for Policy and Economic Development (IPED), is best qualified and willing to provide these services; and

WHEREAS, the Texas Interlocal Cooperation Act, Texas Government Code, Subsection 791.001, allows local governments and political subdivisions of the state to contract among each other for governmental functions and services

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an INTERLOCAL AGREEMENT, attached hereto as Exhibit "A", between the Institute for Policy and Economic Development, which is part of the University of Texas at El Paso ("UTEP") and the City of El Paso ("City") wherein UTEP will manage the community visioning process of the municipal strategic plan. (Exhibit on file with this Resolution in the City Clerk's Office)

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Contract between the **CITY OF EL PASO** and **RUTH MARTINEZ**, to assist the Community and Human Development Department for 6 hours per week from February 18, 2004 through May 10, 2004.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement For Review Appraisal Services in an amount not to exceed Three Thousand and No/100ths (\$3000.00) between the City of El Paso and Wilkinson, Pendergras & Beard, L.P. for the review appraisal of the following parcels, required for the Zaragosa Access Road Improvement Acquisition Project, a 29th Year (2003-2004) Community Development Project:

- Parcel 1: A portion of Tract 21B, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 750 square feet, more or less
- Parcel 2: A portion of Tract 21A, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 2248 square feet, more or less
- Parcel 3: A portion of Tract 23B, Block 1, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 569 square feet, more or less
- Parcel 4: A portion of Tract 22B, Block 1, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 781 square feet more or less
- Parcel 5: A portion of Tract 23B1, Block 1, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 2669 square feet more or less
- Parcel 6: A portion of Tract 21C1A, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 749 square feet more or less
- Parcel 7: A portion of Tract 21C1B, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 1497 square feet more or less
- Parcel 8: A portion of Tract 21F, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 675 square feet more or less
- Parcel 9: A portion of Tract 21C1C, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 123 square feet more or less
- Parcel 10: A portion of Tract 21E, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 785 square feet more or less
- Parcel 11: A portion of Tract 21C1, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 731 square feet more or less
- Parcel 12: A portion of Tract 21C, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 750 square feet more or less
- Parcel 13: A portion of Tract 21D, Block 8, YSLETA GRANT, in the City of El Paso, El Paso County, Texas, approximately 750 square feet more or less

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*Motion made, seconded and unanimously carried to postpone two (2) weeks the Resolution that the Mayor be authorized to sign Memorandum of Understanding by and between the City of El Paso, United Way of El Paso County and Kids View, Inc., governing the transfer of United Way Child Care funds in the total amount of \$48,000 through the City to secure federal matching funds from the Upper Rio Grande Workforce Development Board, Inc.; and

That the Mayor be authorized to sign any amendments to the above referenced Agreements or Memorandum of Understanding which might be necessary to commit additional United Way funds to receive additional federal matching child care funds or to extend the time period to expend the federal matching child care funds provided that no additional City or CDGB funds are required, upon approval of the City Attorney's Office and the Director of Community and Human Development.

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Motion made, seconded and unanimously carried to move to the regular agenda the following:

***RESOLUTION**

That the Mayor be authorized to sign Contracts by and between the City and the County of El Paso and Lulac Project Amistad and an Amended Contract between the City of El Paso and the El Paso Community Mental Health and Mental Retardation Center in the amounts of \$28,954.00, \$88,902.00, and \$145,382.00, respectively, in connection with the Substance Abuse and Mental Health Services Administration (SAMHSA) Grant administered by the Department of Community and Human Development.

Motion made by Representative Austin, seconded by Representative Lozano and unanimously carried to approve the above Resolution.

Representative Cook abstained from the vote as he serves on the Governing Board of LULAC Project Amistad.

Representative Escobar was not present for the vote.
Representative Rojas was excused.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of FIFTEEN THOUSAND AND NO/100 DOLLARS (\$15,000.00, Grant - \$1,500.00 and Loan \$13,500.00), against the following described real property:

Lots 14, 15, and 16, Block 4, MILITARY HEIGHTS ADDITION, an addition to the City of El Paso, El Paso County, Texas, known and numbered as 3031 Nations

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Eight Hundred Eighty Eight and 02/100 Dollars (\$888.02).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of TWELVE THOUSAND NINE HUNDRED FIFTY AND NO/100 DOLLARS (\$12,950.00, Grant-\$775.00 and Loan- \$12,175.00), against the following described real property:

Lot 10, Block 29, CEDAR GROVE PARK, UNIT 2, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 3, Page 64, Plat Records of El Paso County, Texas; known and numbered as 214 Baywood;

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of One and 14/100 Dollars (\$1.14).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of SEVEN THOUSAND FOUR HUNDRED FIFTY AND NO/100 DOLLARS (\$7,450.00, Grant - \$700.00) and Loan \$6,750.00, against the following described real property:

Lot 25, Block A, HERVEY PLACE NO. 2, SUBDIVISION, an addition to the City of El Paso, El Paso County, Texas, according to the map thereof on file in Book 3, Page 14, Plat Records of El Paso County, Texas; known and numbered as 7888 La Grange

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan for the amount of Eight Hundred One and 65/100 Dollars (\$801.65).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of FIFTEEN THOUSAND FOUR HUNDRED AND NO/100 DOLLARS (\$15,400.00, Grant-\$1,400.00 and Loan- \$14,000.00), against the following described real property:

The East ½ of Lot 8, and all of Lot 9, Block 13, ALTURA PARK ADDITION, an addition to the City of El Paso, El Paso County, Texas; known and numbered as 3017 Lebanon, El Paso, Texas

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor, on behalf of the City and the City Clerk, be authorized to sign a Release of Lien whereby the City releases its lien in the amount of NINE THOUSAND FOUR HUNDRED FIFTY AND NO/100 DOLLARS (\$9,450.00, Grant-\$2,980.00 and Loan-\$6,470.00), against the following described real property:

Lot 26, Block 3, MIRAFLOR ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the map and plat thereof on file in Volume 14, Page 55, Plat Records of El Paso County, Texas; known and numbered as 3113 Cypress

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a

refund check resulting from an overpayment on the loan for the amount of Four Hundred Forty Eight and 92/100 Dollars (\$448.92).

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign the following special events agreement for space in the El Paso Museum of Art. Licensee is requesting permission to serve alcohol in the premises.

Event:	Lecture and Reception
Licensee:	Boy Scouts of America
Date:	March 4, 2004
Time:	4:30 p.m. - 7:30 p.m.
Area(s):	Lobby & Seminar Room
Charge for Space:	\$750.00
Charge for Staff (est.):	\$160.00
Charge for Insurance:	(carry their own)
Rental of Furniture/Equipment:	-0-

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the El Paso Museum of Art be authorized to serve wine at One Arts Festival Plaza at the reception for Educator Evening, February 26, 2004, 6:00 p.m. - 8:00 p.m.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Director of the El Paso Museum of Art be authorized to accept, on behalf of the City of El Paso, the following gift identified further in Exhibit A: (Exhibit A on file in the City Clerk's Office)

1. One (1) print by artist Bill Wright, valued at \$125.00, entitled ***Witness***, 2002, 22 ¾" x 18", offered by the artist.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to accept on behalf of the El Paso Museum of Art, a donation in the amount of \$3,000.00 from The Shiloff Family Foundation and to sign any related contracts or other documents. The funds are granted for the support of the Museum's *Neighborhood Kids* program.

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***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to accept on behalf of the El Paso Museum of Art, a donation in the amount of \$4,984.00 from The Marian Apteckar Foundation and to sign any related contracts or other documents. This is an undesignated gift. No matching funds are required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to accept on behalf of the El Paso Museum of Art, a grant in the amount of \$13,844.00 from The Marian Apteckar Foundation and to sign any related contracts or other documents. The funds are granted for salary for the position of Museum School Coordinator. No matching funds are required.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Cooperative Work Study Contract between the **CITY OF EL PASO** and **JOHN WHITE** to assist the El Paso Water Utilities Department at \$9.00 per hour not to exceed 20 hours per week without permission from the Co-Op Coordinator, in which case student may work up to 40 hours per week. The term of the contract shall be for the period of February 19, 2004 through February 18, 2005.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor and City Council approve the El Paso Fire Department's participation in the Shattered Dreams Program on March 9, 2004, at Coronado High School dramatizing an automobile crash to demonstrate the dangers of drinking and driving to the youth of El Paso.

The Fire Department will support the dramatization by allowing the participation of Fire Units and a fire medical unit to package and transport two participants to the R. E. Thomason General Hospital emergency room.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

Representative Escobar was not present for the vote.

Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor and City Council approve the El Paso Fire Department's participation in the Shattered Dreams Program on March 2, 2004, at Chapin High School dramatizing an automobile crash to demonstrate the dangers of drinking and driving to the youth of El Paso.

The Fire Department will support the dramatization by allowing the participation of Fire Units and a fire medical unit to package and transport two participants to the R. E. Thomason General Hospital emergency room.

Motion made by Representative Lozano, seconded by Representative Cobos and unanimously carried to approve the above Resolution.

Representative Escobar was not present for the vote.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with **JESUS M. OLIVAS** for professional services as Hearing Officer for the Civil Service Commission, for a period from February 20, 2004 through August 19, 2004, at the rate of \$100.00 per hour, not to exceed 25 hours per month without prior approval of the Commission Chair.

NOTE: Contract date was revised from "February 19, 2005" to "August 19, 2004".

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with **PATRICIA PALAFOX** for professional services as Hearing Officer for the Civil Service Commission, for a period from February 20, 2004 through February 19, 2005, at the rate of \$100.00 per hour, not to exceed 25 hours per month without prior approval of the Commission Chair.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a contract with **BRUCE YETTER** for professional services as Hearing Officer for the Civil Service Commission, for a period from February 20, 2004 through February 19, 2005, at the rate of \$100.00 per hour, not to exceed 25 hours per month without prior approval of the Commission Chair.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **EDWARD J. OZOGAR**, to assist the Information Technology Department as a PC LAN Specialist III at a biweekly rate of \$1,618.46 for 40 hours per week. The term of the contract shall be for the period of February 18, 2004 through February 17, 2006.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **NORMA BORUNDA**, to assist the Mayor & Council's Office as a Secretary at an hourly rate of \$9.97 for 40 hours per week. The term of the contract shall be for the period of February 18, 2004 through August 31, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **THOMAS M. FULLERTON, JR.**, to assist the Metropolitan Planning Organization Office in reviewing and documenting the economic impact of the Metropolitan Transportation Plan. The Contractor shall be paid a lump sum of \$2,900.00. The services of Contractor are to take place from February 18, 2004 through May 17, 2004.

*Motion made, seconded and unanimously carried to postpone one (1) week the Resolution that the Mayor be authorized to sign a Landlord Lien Subordination between the City of El Paso, as Landlord, and Bank of the West, as Lender, covering personal property located on the real estate leased by the City to REM Golf, Inc. pursuant to the Lease Agreement dated February 17, 2004. The Lease Agreement provides for the operation of a golf driving range by REM Golf, Inc. on a portion of Tract 1A, Block 1, Ascarate Grant, El Paso County, also known as the Jesuit Basin stormwater detention facility.

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for this contract is in fiscal year **2003/2004** appropriations to be approved by the City Council.

PAVO REAL RECREATION CENTER
DEPARTMENT ID: 51510115, ACCOUNT 502214

- 1. CONTRACTOR: Irma Romero, Aerobics/Pilates Instructor
DATES: March 1, 2004 through August 31, 2004
RATE PER CL: \$12.00
MAXIMUM AMT: \$1,620.00
CONTRACT: **2003/2004-094**

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*RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the Mayor be authorized to execute the following **INDEPENDENT CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

MEMORIAL PARK SENIOR CENTER
DEPARTMENT ID: 51510164, ACCOUNT 502215

- 1. CONTRACTOR: Javier Garcia, Painting Technique Instructor
DATES: March 4, 2004 through August 26, 2004
RATE PER CL: \$18.00
MAXIMUM AMT: \$936.00
CONTRACT: **2003/2004-095**

CAROLINA RECREATION CENTER
DEPARTMENT ID: 51510073, ACCOUNT 502214

- 2. CONTRACTOR: Joshua A. Avery, Youth Basketball Referee
DATES: February 18, 2004 through August 28, 2004
RATE PER CL: \$9.00
MAXIMUM AMT: \$2340.00
CONTRACT: **2003/2004-096**

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contracts on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for these contracts is in fiscal year **2003/2004** appropriations to be approved by the City Council.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. CONTRACTOR: Alex Alejandre, Pool Attendant, Step 1
DATES: February 25, 2004 through September 30, 2004
RATE PER HR: \$5.40
CONTRACT NO: **2003/2004-146**
2. CONTRACTOR: Kyleen Almendarez Pool Attendant, Step 4
DATES: February 25, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-147**
3. CONTRACTOR: William H. Bengé III, Lifeguard, Step 2
DATES: February 25, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-148**
4. CONTRACTOR: Frank Bermudez, Lifeguard, Step 2
DATES: February 25, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-149**
5. CONTRACTOR: Mayra Cobos, Lifeguard, Step 2
DATES: February 25, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-150**
6. CONTRACTOR: Kelsey Garcia, Swim Instructor, Step 1
DATES: February 25, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-151**
7. CONTRACTOR: Miguel S. Garcia, Lifeguard, Step 2
DATES: February 25, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-152**
8. CONTRACTOR: Linda Y. Gray, Lifeguard, Step 4
DATES: February 25, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-153**
9. CONTRACTOR: Stuart Haddox, Lifeguard, Step 2
DATES: February 25, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-154**

10. CONTRACTOR: Jeremy M. Jordan, Lifeguard, Step 2
DATES: February 25, 2004 through September 30, 2004
RATE PER HR: \$6.00
CONTRACT NO: **2003/2004-155**
11. CONTRACTOR: Angel J. Munoz, Lifeguard, Step 3
DATES: February 25, 2004 through September 30, 2004
RATE PER HR: \$6.20
CONTRACT NO: **2003/2004-156**
12. CONTRACTOR: Sonai G. Perez, Swim Instructor, Step 2
DATES: February 25, 2004 through September 30, 2004
RATE PER HR: \$5.50
CONTRACT NO: **2003/2004-157**
13. CONTRACTOR: Ryan K. Quagliato, Lifeguard, Step 3
DATES: February 25, 2004 through September 30, 2004
RATE PER HR: \$6.20
CONTRACT NO: **2003/2004-158**
14. CONTRACTOR: Erica R. Ramos, Swim Instructor, Step 1
DATES: February 25, 2004 through September 30, 2004
RATE PER HR: \$5.35
CONTRACT NO: **2003/2004-159**

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following **EMPLOYEE CONTRACTOR** contract on behalf of the **PARKS AND RECREATION DEPARTMENT**. Funding for this contract is in fiscal year **2003/2004** appropriations to be approved by the City Council.

AQUATICS

DEPARTMENT ID: 51010281, ACCOUNT 501011

1. CONTRACTOR: Jacqueline A. Paz, Pool Attendant, Step 1
DATES: February 25, 2004 through September 30, 2004
RATE PER HR: \$5.40
CONTRACT NO: **2003/2004-160**

.....
***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Chief of Police be authorized to submit an on-line grant application, and the Mayor be authorized to sign any related paperwork, and apply for a grant from the U.S. Department of Justice, Office on Violence Against Women, for a grant under the Arrest Policies and Enforcement of Protection Orders Grant Program in the amount of \$249,964.00 to pay for personnel and related costs for the purpose of educating victims of violence and others on the importance of protective orders; no matching funds required; and that the Mayor be authorized to sign an Interlocal Governmental Agreement by and between the City of El Paso, the Center Against Family Violence, the District Attorney's Office Victims Assistance Program, and the West Texas Community Supervision and Corrections Department for the purpose of implementing the grant program, should the grant be awarded to the City.

.....

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Chief of Police be authorized to submit an on-line grant application, and the Mayor be authorized to sign any related paperwork, from the City of El Paso Police Department to the U.S. Department of Justice, Bureau of Justice Assistance, Bulletproof Vest Partnership Program, for funding in the amount of \$94,000.00 toward the acquisition of 250 bulletproof vests for the Police Department; City funding for the purchase also required in the amount of \$94,000.00.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Contract between the **CITY OF EL PASO** and **LEA HUTCHINSON**, to assist the Zoo as Deputy Zoo Director at a biweekly rate of \$2,800.00. The term of the contract shall be for the period of February 18, 2004 through August 17, 2004.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign, on behalf of the Parks and Recreation Department, an Agreement with the El Paso Rehabilitation Center providing support for the "Spring Into Fun Day" event, to be held on Saturday, March 27, 2004, for special-needs children and others at Mission Hills Park at 3800 O'Keefe Drive, and that the transfer of \$968.75 from District 5 Discretionary Fund be authorized for this event.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a release of lien on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to this sanitation lien for:

	<u>Lien Amount</u>	<u>Interest</u>	<u>Total</u>
0000 Festival/Stanton	\$117.99	\$58.42	\$176.41

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign release of liens on the following properties (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to these sanitation liens for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
4500 Hondo Pass Drive	\$339.04	\$245.94	\$584.98
4500 Hondo Pass Drive	\$1,073.10	\$1,186.61	\$2,259.71

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign release of liens on the following property (legal description on file in the City Clerk's Office) for consideration paid to the City in full satisfaction of amount owed pursuant to these sanitation liens for:

	<u>Lien</u>	<u>Interest</u>	<u>Total Paid</u>
4780 Turtle Dove Place	\$1,402.92	\$179.43	\$1,582.35

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

THAT the City of El Paso approve the participation by the Department of Solid Waste Management in the Black History Month Parade to be held by the Inter-Club Council on Saturday, February 28, 2004, by providing a Department Pick-Up as an entry in the parade.

***RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an Agreement with KINKO'S, INC. to lease the company Two (2) 32 Gallon Containers for a service fee of \$5.00 for each month, for the purpose of collecting the company's recyclable materials in conjunction with the Department of Solid Waste Management's recycling program.

***NOTICE OF PUBLIC HEARING**

To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 9th day of March, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 4425 Sunrise Avenue, in El Paso, Texas, which property is more particularly described as:

The West 160 Feet of Lot 1, Block 5, Del Norte Acres, an Addition to the City of El Paso, El Paso County, Texas, according to the Map thereof on File in Book 6, Page 1, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Michael V. Torres, 5104 Flower Drive, El Paso, Texas 79905, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5th floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

.....
*Motion made, seconded and unanimously carried to approve the request authorizing to allocate \$500.00 from District 2 Discretionary Fund to the El Paso Public Library to co-sponsor Dia De Los Niños/Dia De Los Libros.

.....
*Motion made, seconded and unanimously carried to approve the request authorizing to allocate \$500.00 from District 4 Discretionary Funds to the El Paso Public Library to co-sponsor Dia De Los Niños/Dia De Los Libros.

.....
*Motion made, seconded and unanimously carried to authorize the transfer of \$1,500 from District 6 Council Special Projects (Discretionary Funds) for use by the Library for "Dia De Los Niños-Dia De Los Libros," annual event to be held April 24, 2004.

.....
*Motion made, seconded and unanimously carried to approve the request to fill the following position on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

Airport Materials Specialist (1)

.....

*Motion made, seconded and unanimously carried to approve the Staffing Table Change for POLICE

Delete	1.00	Police Support Services Administrator	PM79
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.....
*Motion made, seconded and unanimously carried to approve the Staffing Table Change for MUNICIPAL SERVICES

Delete	1.00	Executive Secretary	GS22
Add	1.00	Secretary III	GS19

.....
*Motion made, seconded and unanimously carried to re-appoint Bruce B. Hubbard to the City Employees Pension Fund Board of Trustees by Mayor Joe Wardy.

.....
*Motion made, seconded and unanimously carried to re-appoint Samuel George Ingram to the City Employees Pension Fund Board of Trustees by Mayor Joe Wardy.

.....
*Motion made, seconded and unanimously carried to re-appoint A. Nicole Pinon to the Ethics Review Commission by Representative Susan Austin, District 1.

.....
*Motion made, seconded and unanimously carried to re-appoint Tomas Cardenas to the Art Museum Advisory Board by Representative Paul J. Escobar, District 6.

.....
*Motion made, seconded and unanimously carried to appoint John Kiseda to the City/County Animal Shelter Advisory Committee by Representative Paul J. Escobar, District 6.

.....
*Motion made, seconded and unanimously carried to appoint Svetlana (Lana) Ulrich to the Ethics Review Commission by Representative Paul J. Escobar, District 6.

.....
*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential street light at the following location:

Request to allocate \$1,200 from District 1 Special Projects Account to install residential street light between 7763 and 7767 Tuscarora Ave.

.....
*Motion made, seconded and unanimously carried to approve installation, power, and maintenance of residential street light at the following location:

Request to allocate \$1,200 from District 1 Special Projects Account to install residential street light between 7716 and 7720 LeConte Dr.

.....
*Motion made, seconded and unanimously carried that the following installment agreements for AD VALOREM taxes be approved in the amount shown and that the Mayor be authorized to sign said agreements on behalf of the City:

- A. PID #A486-000-0040-0020, \$191.02 per month installments on a balance of \$3,056.32 for 2001& 2002 taxes; Maria D. L. Whitman & 1 – 293 Wellettka Dr.
- B. PID #S562-004-0440-2200 \$210.85 per month installments on a balance of \$5,060.40 for 1995, 1996, 1997, 1998, 2000, 2001 & 2002 taxes; Hilario & Carmen Chavez – 1106 Lehigh Ln.
- C. PID #W180-004-0032-0024 & R232-000-0030-0800, \$1,370.61 per month installments on a balance of \$16,447.32 for 2000, 2001 & 2002 taxes; Jose L. Morales % Bertha Alicia Flores – 801 Westway Ave.

.....

*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Socorro Bena Vente in the amount of \$5,189.47, overpayment of 2000 & 2001 taxes.
(PID #2000-999-0245-0042)
- B. Rocky Mountain Mortgage Co. in the amount of \$3,151.42, overpayment of 2002 taxes.
(PID #M327-999-0080-1700)
- C. Trans Continental Title Company in the amount of \$4,558.00, overpayment of 2003 taxes.
(PID #M344-999-0160-9000)
- D. Charter Bank in the amount of \$3,113.26, overpayment of 2003 taxes.
(PID #N425-999-0030-2600)
- E. Stewart Title in the amount of \$8,582.56, overpayment of 2003 taxes.
(PID #P327-999-0020-1600)
- F. Timmy & Veronica Williams in the amount of \$3,153.65, overpayment of 2003 taxes.
(PID #P863-999-0260-1500)
- G. LandAmerica Lawyers Title in the amount of \$3,231.20, overpayment of 2003 taxes.
(PID #R439-999-0070-1300)
- H. Stewart Title in the amount of \$3,220.45, overpayment of 2003 taxes.
(PID #S373-999-002A-0400)
- I. Sierra Title Company in the amount of \$3,190.06, overpayment of 2003 taxes.
(PID #S812-999-0240-0500)
- J. Government Employees Credit Union of El Paso in the amount of \$3,450.11, overpayment of 2003 taxes. (PID #U823-999-0040-1000)
- K. Lawyers Title of El Paso in the amount of \$4,215.76, overpayment of 2003 taxes.
(PID #V897-999-1200-2200)
- L. EPR Realty, LTD in the amount of \$3,306.88, overpayment of 2003 taxes.
(PID #X012-999-000A-1000)

.....
*Motion made, seconded and unanimously carried that the Director of Purchasing be authorized to exercise the City's option to extend the term of the contract, for three (3) additional three year period, from May 1, 2004, through April 30, 2007, pursuant to the provisions of contract 1998-281, Lease Space for Jr. Partner Area WIC Clinic (500D N Carolina) for the City-County Health District, with Wood-Mattox Joint Venture, \$70,000.00 annually.

OPTION NO.: Second (Of Second Three Year Periods)

Department: City-County Health District
Funds available: 41150011-05527 & 05529-502400 -
Projects G4104AD WIC ADMN & G4104NE WIC NE
Funding Source: TDH WIC Services – WIC Admin & WIC Nutrition Bldg Leases
Award amount: \$70,000.00 (annually)

.....
*Motion made, seconded and unanimously carried that the Director of Purchasing be authorized to exercise the City's option to extend the term of the contract, for three (3) additional three year period, from May 16, 2004 through May 15, 2007, pursuant to the provisions of contract 1998-359, Lease Space for Area WIC Clinic (8500 Dyer) for the City-County Health District, with T-Sunrise, \$44,000.00 annually.

Option No.: Second (of Second Three Year Periods)

Department: City-County Health District
Funds available: 41150011-05527 & 05529-502400
Projects G4104AD WIC Admin and G4104NE WIC NE
Funding source: TDH WIC Services – WIC Admin and WIC Nutrition Bldg Leases
Award amount: \$44,000.00 (annually)

*Motion made, seconded and unanimously carried that the Director of Purchasing be authorized to issue a Purchase Order to TACnologies Ltd., Kerrville, Texas, in the amount of \$28,525.00. TACnologies Ltd. is the authorized distributor for Simunition Products within the states of Kansas, Missouri, New Mexico, Oklahoma, and Texas. (Contract Number 2004-112)

Department: Police Department
Award amount: \$28,525.00
Funds available: 21010052-01101-503109
Fund Source: General Funds – Police Training

.....
Motion made, seconded and unanimously carried to move to the regular agenda Change Order No. Four (Construction Change) JAR Concrete for the “Rehabilitation of the Stanton Street Bridge and Santa Fe Bridge” an increase in the amount of \$106,466.00.

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to approve Change Order No. Four (Construction Change) JAR Concrete for the “Rehabilitation of the Stanton Street Bridge and Santa Fe Bridge” an increase in the amount of \$106,466.00. The increase in the Contract amount is due to an adjustment in the initial scope of work by requiring new repair procedures that will address repairs that were unforeseen at the bridge approach pavements and also address existing potential safety hazards to the pedestrian traffic.

Representative Escobar was not present for the vote.

Representative Cushing asked questions of Mr. Byron Johnson, Director of Purchasing, and Mr. Daryl Cole, Street Director.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2004-047 Janitorial and Custodial Supplies (firm, fixed-price)

Award to:	Vendor 1:	Baron Chemical Co., Inc. El Paso, TX
Item(s):		2, 3, 4, (Alt) 5, 12, 14, 15, 16, 17, 22, 24 and 25
Amount:		\$86,232.10 (estimated annually)
	Vendor 2:	Southwestern Mill El Paso, TX
Item(s):		11, 13 and 23
Amount:		\$1,561.60 (estimated annually)
	Vendor 3:	Laun-Dry Supply El Paso, TX
Item(s):		18, 19, 20 and 23(B)
Amount:		\$6,446.40 (estimated annually)
Department:		Department of Aviation
Funds available:		62620003-503121-40101
Funding source:		Airport Operating Fund
Total award:		\$94,240.10 (estimated annually)

The Department of Aviation and the Purchasing Department recommend award as indicated as these vendors have provided the Best Value Bids.

Facilities Connection took exception to the City’s terms and conditions by inserting its own contract clauses, and therefore is non-responsive on their overall bid; furthermore, since the sole bid from Facilities Connection submitted for Items 26, 27, 28, 29 and 30 was non-responsive, it is requested to reject and not award these Items. No bids were received for Items 1, 6, 7, 8, 9, 10 and 21. These items will be rebid, as requested by the Department of Aviation.

This is a twenty-four (24) month requirements-type Contract for Janitorial & Custodial Supplies for the Department of Aviation, however, other City departments may utilize this Contract to meet their requirements as the need arises.

There are no options to extend the term of the agreements. The Contract will officially begin at 12:01 A.M., March 1, 2004.

.....
*Motion made, seconded and unanimously carried to award RFP No. 2004-056R Consultant Services for Management Study of the City of El Paso's Solid Waste Management Department

Award to:	R.W. Beck Inc. Orlando, FL
Item (s):	All
Amount:	\$124,500.00
Department:	Solid Waste Management
Funds available:	34010289-40403-502215
Funding source:	Solid Waste Management – Outside Contracts
Total award:	\$124,500.00

The review committee for the Award of Consultant Services For Management Study of The City Of El Paso's Solid Waste Management Department has met and reviewed the Sole responsive Proposal that was received. It is the recommendation of the committee to award the RFP to this firm. The proposal response addressed the scope and intent of the RFP.

Additionally, random companies were selected from the list that had expressed interest in the RFP to determine why they did not submit responses. Most did not feel they could do the work in the budget that was available. Others did not feel they could accomplish the work in this time frame due to other projects underway.

Additionally, it is requested authorization for City staff to negotiate, City Attorney's Office to review, and the Mayor be authorized to execute any related contract documents and agreements necessary during the contract.

.....
Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to reconsider Bid No. 2004-038 Airport Electrical Supplies.

Mr. Byron Johnson, Director of Purchasing, explained that a drawing of names was necessary due to a tie on Groups 8 and 11.

Motion made by Representative Cook, seconded by Representative Power and unanimously carried to award Bid No. 2004-038 Airport Electrical Supplies

Award to:	Vendor 1:	C.E.D. El Paso, TX
Item (s):		Group 4, 5, 6, 13, 15 and 18
Amount:		\$15,000.00 (estimated annually)
Award to:	Vendor 2:	Dealers Electrical Supply Company El Paso, TX
Item (s):		Group 1
Amount:		\$14,000.00 (estimated annually)

Award to:	Vendor 3:	Graybar Electric Company El Paso, TX
Item (s):		Group 2
Amount:		\$3,500.00 (estimated annually)
 Award to:	 Vendor 4:	 Summit Electric Supply El Paso, TX
Item (s):		Group 12
Amount:		\$1,000.00 (estimated annually)
 Award to:	 Vendor 5:	 Triangle Electric Supply El Paso, TX
Item (s):		Group 3, 7, 8, 9, 10, 11, 14 and 17
Amount:		\$5,000.00 (estimated annually)
 Department:		 Department of Aviation
Funds available:		62620003-503121-40101
Funding source:		Airport Operating Fund
Total award:		\$38,500.00 (estimated annually)

The Department of Aviation and the Purchasing Department recommend award as indicated to the lowest responsive offers, by definition meeting specifications, from responsible parties.

On Group 8, offers were received from Grainger Industrial Supply, Triangle Electric Supply and from Summit Electric Supply; all three are tie bids. On Group 11, offers were received from Triangle Electric Supply and from Summit Electric Supply; both are tie bids. The Department of Aviation and the Purchasing Department request the City Council draw lots on these offers to determine award. Additionally, the Department of Aviation and the Purchasing Department recommend rejection of the bids for Group 16. This group is being deleted.

This is a twenty-four (24) month requirements-type Contract for Electrical Supplies for the El Paso International Airport, however, other City departments may utilize this Contract to meet their requirements as the need arises. There are no viable options to extend the term of the agreement.

The Contract will officially begin at 12:01 A.M., February 23, 2004.

NOTE: Groups 8 and 11 were tie bids between Grainger Industrial Supply, Triangle Electric Supply and from Summit Electric Supply. The results from both draws pulled by Mayor Joe Wardy was to award both Groups, 8 and 11, to Triangle Electric Supply.

.....
*Motion made, seconded and unanimously carried to award Bid No. 2004-055 Lionel Forti Park Improvements

Contractor:	Southwest Growth, Inc. El Paso, Texas	
Department:	Parks & Recreation Department	
Funds Available:	31130550/PPW0046029YR2/60032/508027	
Funding Source:	Year 2, 2000 Quality of Life Bond	
Items:	Base Bid I	\$ 223,500.00
	Alternate 1	\$ 3,200.00
	Alternate 2A	\$ 22,800.00
	Alternate 2B	\$ 11,500.00
	Alternate 3	\$ 11,800.00
	Alternate 4	\$ 10,600.00

Total Award: **\$336,400.00**

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

*Motion made, seconded and unanimously carried to award Bid No. 2004-062 Borderland Street & Drainage Improvements-Phase II

The Departments of Purchasing, Engineering, and Community Development recommend the award of this contract to Southwest Growth Corp, the low responsible, responsive bidder. It is requested that the Mayor of the City of El Paso be authorized to sign the referenced contract approved by the City Engineer, Contract Compliance, and the City Attorney. Additionally, it is requested that the Mayor be authorized to execute budget transfers for this award and project, as necessary.

As part of the award of this contract, the City Engineer is authorized to approve contract changes which are necessary for proper construction of the work and carrying out the intent of the design, but which do not increase the scope of the contract as awarded, in an amount not to exceed \$25,000 per numbered change order, and not to exceed the total of 10% of the original contract price as awarded, without further authorization by City Council.

Work under the unit price component is only an estimated value or not to exceed amount and will be ordered, performed, invoiced and paid by measured quantity. The actual cost of the unit price component will be the sum total of unit prices at the end of the contract term.

*Motion made, seconded and unanimously carried to award Bid No. 2004-064 Paperback Books, Mass Market

Award to: Baker & Taylor
Charlotte, NC
Item (s): All
Amount: \$50,000.00 (estimated annually)

Department: Library
Funds available: 31130563-508039-PPW56003YR2
Funding source: Books & Library Materials
Total award: \$150,000.00

The El Paso Public Library and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

No options offered.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

.....
*Motion made, seconded and unanimously carried to delete Bid No. 2004-066 Hendrickson Suspension Service and Parts

Award to: Stanley Spring and Suspension
El Paso, Texas
Item (s): Group A and Group B
Amount: \$50,000.00 (estimated annually)

Department: Fleet Services
Funds available: 37370510-503125-503121
Funding source: Fleet Services Internal Services Fund
Total award: \$150,000.00

The Fleet Services and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Industrial Brake & Fasteners, low bid in Group B, was considered non-responsive because they took exception to the requirement of having trained and certified technicians perform the repairs.

Vendor offers the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two (2) years from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-352 PARKS & RECREATION

This budget transfer requests a new appropriation to replace the present telephone system at Armijo Recreation Center. The new system will ensure that phones are always answered in any portion of the center.

.....
Increase \$6,500 to 51510065/P50020716307/407002 Est Rev
Increase \$6,500 to 51510065/P50020716307/508003 BldgImprv
.....

*Motion made, seconded and unanimously carried to approve budget transfer BT2004-355 LIBRARY

The Library requests a budget transfer under the Restricted Fund. This transfer will allow the Library to pay for expenses that will be incurred in connection with the Library's In-Service Day training.

Increase	\$4,500	to	53153053/15454/407002	Est Rev
Increase	\$4,500	to	53153053/15454/504412	SemContEd

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-366 PARKS & RECREATION

This budget transfer recognizes actual revenues from Parkland Dedication fees and appropriates money to be used for park construction within the same park zone as the development that generated the revenue. Parkland Dedication fees are paid by developers based upon City Ordinance.

Increase	\$ 900	to	51159242/P51800086216202/405072	PrkIndDedFee
Increase	\$ 900	to	51159242/P51800086216202/508004	PubUseFac
Increase	\$70,500	to	51159242/P51800086316203/405072	PrkIndDedFee
Increase	\$70,500	to	51159242/P51800086316203/508004	PubUseFac

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-373 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$35,324 to fund Roger Brown Park Repaving. Funding Source is 2004 GO Bonds.

Increase	\$35,324	to	14200401/PBE04PA10829108/407020	Bond Proceed
Increase	\$ 4,086	to	14200401/PBE04PA10829108/508050	Design
Increase	\$25,932	to	14200401/PBE04PA10829108/508027	Construction
Increase	\$ 721	to	14200401/PBE04PA10829108/508024	Testing
Increase	\$ 2,403	to	14200401/PBE04PA10829108/508026	Inspection
Increase	\$ 1,682	to	14200401/PBE04PA10829108/508051	Management
Increase	\$ 500	to	14200401/PBE04PA10829108/508022	Advertising

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-374 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$143,026 to fund Sunrise Park Jogging Path. Funding Source is 2004 GO Bonds.

Increase	\$143,026	to	14200401/PBE04PA11029110/407020	Bond Proceed
Increase	\$ 16,541	to	14200401/PBE04PA11029110/508050	Design
Increase	\$106,525	to	14200401/PBE04PA11029110/508027	Construction
Increase	\$ 2,919	to	14200401/PBE04PA11029110/508024	Testing
Increase	\$ 9,730	to	14200401/PBE04PA11029110/508026	Inspection
Increase	\$ 6,811	to	14200401/PBE04PA11029110/508051	Management
Increase	\$ 500	to	14200401/PBE04PA11029110/508022	Advertising

.....
*Motion made, seconded and unanimously carried to approve budget transfer BT2004-375 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$372,557 to fund Channel #1 Fence. Funding Source is 2004 GO Bonds.

Increase	\$372,557	to	14200402/PBE04FC10329113/407020	Bond Proceed
Increase	\$ 31,484	to	14200402/PBE04FC10329113/508050	Design
Increase	\$288,101	to	14200402/PBE04FC10329113/508027	Construction
Increase	\$ 7,871	to	14200402/PBE04FC10329113/508024	Testing
Increase	\$ 26,236	to	14200402/PBE04FC10329113/508026	Inspection
Increase	\$ 18,365	to	14200402/PBE04FC10329113/508051	Management
Increase	\$ 500	to	14200402/PBE04FC10329113/508022	Advertising

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-376 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$1,685,995 to fund Billy the Kid Street and Drainage Improvements Phase I. Funding Source is 2004 GO Bonds.

Increase	\$1,685,995	to	14200403/PBE04ST10329117/407020	Bond Proceed
Increase	\$ 172,059	to	14200403/PBE04ST10329117/508050	Design
Increase	\$1,311,292	to	14200403/PBE04ST10329117/508027	Construction
Increase	\$ 30,322	to	14200403/PBE04ST10329117/508024	Testing
Increase	\$ 101,072	to	14200403/PBE04ST10329117/508026	Inspection
Increase	\$ 70,750	to	14200403/PBE04ST10329117/508051	Management
Increase	\$ 500	to	14200403/PBE04ST10329117/508022	Advertising

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-377 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$234,128 to fund Cedar Grove Phase 10. Funding Source is 2004 GO Bonds.

Increase	\$234,128	to	14200403/PBE04ST10529119/407020	Bond Proceed
Increase	\$ 81,168	to	14200403/PBE04ST10529119/508050	Design
Increase	\$152,460	to	14200403/PBE04ST10529119/508000	Land Acqstn
Increase	\$ 500	to	14200403/PBE04ST10529119/508022	Advertising

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-378 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$878,100 to fund Cedar Grove Phase 11-12. Funding Source is 2004 GO Bonds.

Increase	\$878,100	to	14200403/PBE04ST10629120/407020	Bond Proceed
Increase	\$ 86,521	to	14200403/PBE04ST10629120/508050	Design
Increase	\$675,718	to	14200403/PBE04ST10629120/508027	Construction
Increase	\$ 17,304	to	14200403/PBE04ST10629120/508024	Testing
Increase	\$ 57,680	to	14200403/PBE04ST10629120/508026	Inspection
Increase	\$ 40,377	to	14200403/PBE04ST10629120/508051	Management
Increase	\$ 500	to	14200403/PBE04ST10629120/508022	Advertising

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-379 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$7,306,175 to fund Cedar Grove Phase 1-9. Funding Source is 2004 GO Bonds.

Increase	\$7,306,175	to	14200403/PBE04ST10729121/407020	Bond Proceed
Increase	\$ 611,249	to	14200403/PBE04ST10729121/508050	Design
Increase	\$5,517,016	to	14200403/PBE04ST10729121/508027	Construction
Increase	\$ 141,744	to	14200403/PBE04ST10729121/508024	Testing
Increase	\$ 472,474	to	14200403/PBE04ST10729121/508026	Inspection
Increase	\$ 330,732	to	14200403/PBE04ST10729121/508051	Management
Increase	\$ 500	to	14200403/PBE04ST10729121/508022	Advertising
Increase	\$ 232,460	to	14200403/PBE04ST10729121/508000	Land Acquistn

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-380 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$52,676 to fund Ladrillo Street & Drainage Improvements. Funding Source is 2004 GO Bonds.

Increase	\$52,676	to	14200403/PBE04ST11329128/407020	Bond Proceed
Increase	\$52,176	to	14200403/PBE04ST11329128/407021	Design
Increase	\$ 500	to	14200403/PBE04ST11329128/508022	Advertising

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-381 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$2,098,690 to fund Lee Blvd Extension Phase II. Funding Source is 2004 GO Bonds.

Increase	\$2,098,690	to	14200403/PBE04ST11529130/407020	Bond Proceed
Increase	\$1,888,821	to	14200403/PBE04ST11529130/508027	Construction
Increase	\$ 209,869	to	14200403/PBE04ST11529130/508050	Design

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-382 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$1,994,490 to fund Northeast Diversion Channel #2. Funding Source is 2004 GO Bonds.

Increase	\$1,994,490	to	14200403/PBE04ST12329138/407020	Bond Proceed
Increase	\$ 206,327	to	14200403/PBE04ST12329138/508050	Design
Increase	\$1,512,561	to	14200403/PBE04ST12329138/508027	Construction
Increase	\$ 41,265	to	14200403/PBE04ST12329138/508024	Testing
Increase	\$ 137,551	to	14200403/PBE04ST12329138/508026	Inspection
Increase	\$ 96,286	to	14200403/PBE04ST12329138/508051	Management
Increase	\$ 500	to	14200403/PBE04ST12329138/508022	Advertising

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-383 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$171,991 to fund Pasodale-Yale Intersection. Funding Source is 2004 GO Bonds.

Increase	\$171,991	to	14200403/PBE04ST12529140/407020	Bond Proceed
Increase	\$ 19,890	to	14200403/PBE04ST12529140/508050	Design
Increase	\$128,201	to	14200403/PBE04ST12529140/508027	Construction
Increase	\$ 3,510	to	14200403/PBE04ST12529140/508024	Testing
Increase	\$ 11,700	to	14200403/PBE04ST12529140/508026	Inspection

Increase	\$ 8,190	to	14200403/PBE04ST12529140/508051	Management
Increase	\$ 500	to	14200403/PBE04ST12529140/508022	Advertising

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-384 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$200,000 to fund Fire Station #31. Funding Source is 2004 GO Bonds.

Increase	\$200,000	to	14200404/PBE04FI10229159/407020	Bond Proceed
Increase	\$199,500	to	14200404/PBE04FI10229159/508050	Design
Increase	\$ 500	to	14200404/PBE04FI10229159/508022	Advertising

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-385 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$1,698,036 to fund Fire Station #33. Funding Source is 2004 GO Bonds.

Increase	\$1,698,036	to	14200404/PBE04FI10329160/407020	Bond Proceed
Increase	\$ 168,593	to	14200404/PBE04FI10329160/508050	Design
Increase	\$1,187,702	to	14200404/PBE04FI10329160/508027	Construction
Increase	\$ 31,611	to	14200404/PBE04FI10329160/508024	Testing
Increase	\$ 105,371	to	14200404/PBE04FI10329160/508026	Inspection
Increase	\$ 73,759	to	14200404/PBE04FI10329160/508051	Management
Increase	\$ 500	to	14200404/PBE04FI10329160/508022	Advertising
Increase	\$ 103,000	to	14200404/PBE04FI10329160/508000	Land Acqstn
Increase	\$ 27,500	to	14200404/PBE04FI10329160/508035	Comm Equip

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-386 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$1,727,830 to fund Fire Station #34. Funding Source is 2004 GO Bonds.

Increase	\$1,727,830	to	14200404/PBE04FI10429161/407020	Bond Proceed
Increase	\$ 169,173	to	14200404/PBE04FI10429161/508050	Design
Increase	\$1,191,691	to	14200404/PBE04FI10429161/508027	Construction
Increase	\$ 31,720	to	14200404/PBE04FI10429161/508024	Testing
Increase	\$ 105,733	to	14200404/PBE04FI10429161/508026	Inspection
Increase	\$ 74,013	to	14200404/PBE04FI10429161/508051	Management
Increase	\$ 500	to	14200404/PBE04FI10429161/508022	Advertising
Increase	\$ 127,500	to	14200404/PBE04FI10429161/508000	Land Acqstn
Increase	\$ 27,500	to	14200404/PBE04FI10429161/508035	Comm Equip

.....
 *Motion made, seconded and unanimously carried to approve budget transfer BT2004-387 BUILDING AND PLANNING SERVICES

Building and Planning Services proposes to appropriate \$102,703 to fund Lower Valley Branch Library. Funding Source is 2004 GO Bonds.

Increase	\$102,703	to	14200408/PBE04LI10129166/407020	Bond Proceed
Increase	\$102,203	to	14200408/PBE04LI10129166/508009	Furniture
Increase	\$ 500	to	14200408/PBE04LI10129166/508022	Advertising

*Motion made, seconded and unanimously carried to approve budget transfer BT2004-455 OMB
To provide appropriations as needed for Downtown Library expansion project from TIF funding as proposed.

Increase	\$512,000	to	72509501/P50000151001/407002	Est Rev
Increase	\$512,000	to	72509501/P50000151001/507000	IntrfndTrans
Increase	\$512,000	to	72509501/PPW005600251004/407000	Intrfnd Trans
Increase	\$512,000	to	72509501/PPW005600251004/508027	CnstrctnCWIP

.....
Motion made by Representative Cushing, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance creating the Brownfields Redevelopment Board, and providing for membership and terms, Officers, rules and regulations, Administration, and duties of the Board.
- B. An Ordinance approving the Chihuahueta Neighborhood Association Plan as a specific study area plan to be incorporated into the City's Comprehensive Plan, The Plan for El Paso, and which neighborhood plan shall amend the Year 2025 General Land Use Map incorporated therein as to the Chihuahueta Neighborhood.
- C. An Ordinance amending Title 13 (Streets, Sidewalks and Public Places), Chapter 13.25 (El Paso Zoo), Section 13.25.010 (Admission Fees to El Paso Zoo) to provide for additional discounted fees for admission to the Zoo.

PUBLIC HEARING WILL BE HELD ON MARCH 2, 2004 FOR ITEMS A – C

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

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Item: Discussion and action on the following candidates for appointment to the Public Service Board as recommended by the Board:

Elaine M. Barrón, M.D.
Ruben Guerra
Robert E. Skov

Motion made by Representative Cobos, seconded by Representative Cushing and unanimously carried to appoint Ruben Guerra to the Public Service Board.

Dr. Elaine M. Barron, Public Service Board incumbent member, referenced comments made by the Mayor during the State of the City address and stated it was her desire to continue to participate in City government to represent small business, women and El Paso's diverse population. She commented on City government's avoiding the appearance of conflict, on clarity and transparency of policies, and on allowing the public to have input. She stated she would continue to represent the City in her position on the Texas Water Development Board to bring quality and quantity of water through strategic plans regarding conservation, reclamation of water, the desalination plant and water importation. She congratulated Mr. Guerra on his appointment.

Mr. John Ivey, member of the Building Zoning Advisory Committee and El Paso Builders Association, recommended Mr. Robert E. Skov as the appointment to the Public Service Board.

Representative Cobos recommended Mr. Guerra as the appointee to the Public Service Board.

Representative Austin thanked Dr. Barron for her service to the Public Service Board.

Mr. Ruben Guerra, citizen, thanked the Council Members for their support.

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No action was taken on the discussion and action on accountability procedures for each District regarding the expenditure and allocation of funds earmarked per District in the amount of ten million dollars (\$10,000,000.00) resultant to the action of the voting public in the election of February 7, 2004.

Representative Cushing requested that the Comptroller's Department provide Council Members with a "running tab" of ongoing bond projects in their respective districts.

Representative Power noted that the voters had not approve the 2% for Public Arts bond and requested that the Ordinance approving the 2% for Public Arts be revisited. He suggested allocating district funds as an alternative.

Ms. Lisa A. Elizondo, City Attorney, responded that the Legal Department would review the Ordinance and provide information at a future City Council meeting.

.....
Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to postpone two (2) weeks the discussion and action concerning the installation of a multi-way (4-way) stop at the intersection of Parral and La Paz.

.....
No action was taken on the staff report on the City's Capital Improvements Program review, including a public call for project nominations.

Ms. Patricia Adauto, Deputy CAO for Building and Planning Services, explained that the deadline to submit project nominations for Capital Improvement Projects was April 2, 2004 and requested that the public submit their requests so that a list might be compiled. She noted that a Capital Improvement Projects Advisory Committee would be created to assist City staff in the compilation of a project list. She answered questions from and responded to comments made by the Council Members.

Representative Escobar requested that Ms. Adauto keep the public informed as to the status of the Capital Improvement Projects by posting signs at the site of the projects identifying them as City of El Paso projects.

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RESOLUTION

A RESOLUTION DECLARING THE INTENTION OF THE CITY OF EL PASO, PURSUANT TO INTERNAL REVENUE CODE REGULATION SECTION 1.150-2(e), TO FINANCE CERTAIN EXPENDITURES TO BE INCURRED FOR YEAR 2004 BOND ACQUISITIONS FROM THE PROCEEDS OF THE SALE OF CITY TAX-EXEMPT OBLIGATIONS.

WHEREAS, the City of El Paso, Texas (the "City") is a governmental entity authorized to issue obligations to finance its activities pursuant to the laws of the State of Texas, the interest on which is excludable from gross income for federal income tax purposes (Tax-Exempt Obligations") pursuant to Section 103 of the United States Internal Revenue Code of 1986, as amended (the "Code"); and,

WHEREAS, the City will make, or has made not more than 60 days prior to the date hereof, payments with respect to the projects and acquisitions listed below. Costs to be incurred include services associated with bond issuance, advertising, design, property acquisition, construction and equipment and furnishing procurement; and,

WHEREAS, the City has concluded that it does not currently desire to issue Tax-Exempt Obligations to finance the costs associated with the projects and acquisition of the items listed herein; and,

WHEREAS, the City desires to reimburse itself for the costs associated with the items listed herein from the proceeds of Tax-Exempt Obligations to be issued subsequent to the date hereof; and,

WHEREAS, the City reasonably expects to issue Tax-Exempt Obligations to reimburse itself the costs associated with the items listed herein; NOW THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO THAT:

Section 1. The City Council hereby declares the intention of the City of El Paso, Texas, pursuant to Regulation Section 1.150-2(e) of the United States Internal Revenue Code, to finance expenditures to be incurred from the proceeds of the sale of the City's Tax-Exempt Obligations.

Section 2. The City reasonably expects to reimburse itself for all costs that have been or will be paid subsequent to a date that is sixty days prior to the date hereof and that are to be paid in connection with the projects and acquisition of the items listed herein from the proceeds of Tax-Exempt Obligations to be issued subsequent to the date hereof. The scope of work for the projects includes the following programs and projects authorized in the 2004 bond election:

Park and recreation facility improvements and capital acquisitions \$4,560,000;

Flood control facility improvements and capital acquisitions; \$1,380,000

Street and drainage facility improvements, and capital acquisitions \$79,620,000

Fire service facility improvements, and acquisitions \$11,595,000

Health service facility improvements, and capital acquisitions \$950,000

Municipal facilities accessibility improvements \$200,000

Zoo acquisitions \$150,000

Library facility improvements and capital acquisitions \$535,000

Public safety acquisitions including communications equipment, operational equipment, furnishings, vehicles and information technology equipment \$7,355,000

Municipal equipment improvements, and capital acquisitions including 800 MHz System Communication network upgrade for public safety communication system, furnishings, Equipment operational equipment, software, information technology equipment and vehicles for various departments \$7,205,000

Section 3. The City reasonably expects that the maximum principal amount of Tax-Exempt obligations issued to reimburse the City for the costs associated with the items listed herein will not exceed \$113,550,00.

Mr. Bill Chapman, Deputy Chief Administrative Officer for Financial and Administrative Services, explained the resolution language.

Motion made by Representative Cook, seconded by Representative Escobar and unanimously carried to approve the above Resolution.

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Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried to move to the forefront of the agenda and into executive session the discussion and action to order the recall election for Representative Paul Escobar, District VI, to be held at the next permitted election date.

Motion made by Representative Cushing, seconded by Representative Lozano and unanimously carried to take no action on the item posted for the discussion and action to order the recall election for Representative Paul Escobar, District VI, to be held at the next permitted election date.

See discussion on page three.

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**RESOLUTION CANVASSING RETURNS
OF THE FEBRUARY 7, 2004 CITY BOND ELECTION**

THE STATE OF TEXAS)
)
COUNTY OF EL PASO)

WHEREAS, the City Council of the City of El Paso ordered an election to be held in said City on February 7, 2004, for Propositions for the issuance of general obligation bonds of the City; and

WHEREAS, the election officers who held said election have duly made returns of the results thereof, and said returns have been duly delivered to said City Council;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That the City Council officially finds and determines that said election was duly given, that proper election officers were duly appointed prior to said election, that said election was duly held, that due returns of the results of said election have been duly made and delivered, that the election returns have properly been made out and duly certified by the officers of said election in the different voting precincts of the City, and that the City Council has duly canvassed said returns, all in accordance with law and the ordinance calling said election.

2. (a) That the City Council officially finds and determines that the following votes were cast at said election for the following PROPOSITIONS by the resident, qualified electors of said City, who voted at the election:

PROPOSITION NO. 1

FOR: 14,079 VOTES
AGAINST 7,774 VOTES

"Shall the City Council of the City of El Paso, Texas be authorized to issue general obligation bonds of said City in the aggregate principal amount of \$4,560,000 for the purpose of providing funds for permanent public improvements, to-wit: acquiring and improving land for park and recreational purposes, including acquiring, designing, constructing, improving, expanding, renovating, remodeling, relocating, equipping and furnishing park facilities, and acquiring vehicles land and interests in land in connection therewith; such bonds to mature serially within not to exceed forty (40) years from their date, to be issued in one or more series and sold at such prices and bear interest at such rates as shall be determined within the discretion of the City Council under the laws of the State in effect at the time of such issuance; and to provide for the payment of the principal of and interest on said bonds by levying ad valorem taxes to be assessed and collected annually in an amount sufficient to pay the annual interest on and to create a sinking fund to redeem said bonds as they become due?"

The proceeds from the sale of said bonds will be authorized to be expended on cost of issuance and the following projects and acquisitions:

District	Project Name	Project Amount	Project Description
5	Eastside Senior Center	\$43,500	Upgrade of facility to include commercial kitchen.
8	Galatzan Recreation Center	\$183,000	Replacement of heating and cooling system.
8	General Park Improvements	\$750,000	General park and facility rehabilitation and improvements.
8	Leo Cancellare Pool 2	\$239,011	General rehabilitation of interior facility, including locker rooms, pool deck, and offices.
2	Nations Tobin	\$212,980	Re-roofing of existing structure, and general building rehabilitation.
6	Pavo Real Recreation Center	\$594,606	Replacement of roof at center.
6	Ranchos Del Sol	\$1,339,198	New park development, including sodding, playground equipment, picnic shelters, jogging path, parking area, lighting, basketball courts, landscaping and irrigation.
2	Roger Brown	\$35,324	Includes repaving of ball field backstop and alley.
7	Shawver Pool, Phase II	\$617,951	Refinishing of pool surface.
2	Sunrise	\$143,026	Installation of jogging path.
	Capital Acquisitions	\$378,690	Vehicles, operational equipment, furnishings and communication equipment
	Bond Issuance Costs	\$22,714	

PROPOSITION NO. 2

FOR: 15,211 VOTES
AGAINST: 6,487 VOTES

"Shall the City Council of the City of El Paso, Texas, be authorized to issue general obligation bonds of the City in the amount of \$ 1,380,000 for the purpose of providing funds for permanent public improvements, to wit: designing, constructing, equipping, furnishing, improving and expanding storm drainage, erosion and flood control facilities in and for the City, and acquiring land and interests in land in connection therewith; said bonds to mature serially over a period of not to exceed forty (40) years from their date, to be issued in such installments and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the City Council under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?"

The proceeds from the sale of said bonds will be authorized to be expended on cost of issuance and the following projects and acquisitions:

District	Project Name	Project Amount	Project Description
3	Airway Pump Station	\$113,400	Installation of new emergency generator.
7	Carlson/Elliott Pump Station	\$635,849	Replaces equipment with dual pumping capabilities at existing flood control pump station.
4	Channel #1	\$372,557	Installation of chain link fence along channel perimeter from McCombs to Dyer.
1	Rocky Bluff Drain	\$250,645	Construction of an overflow concrete flume from Rocky Bluff to Gurs.
	Bond Issuance Costs	\$7,549	

PROPOSITION NO. 3

FOR: 14,433 VOTES
AGAINST: 6,775 VOTES

"Shall the City Council of the City of El Paso, Texas, be authorized to issue general obligation bonds of the City in the amount of \$ 79,620,000 for the purpose of providing funds for permanent public improvements, to wit: designing, developing, constructing, improving, extending, resurfacing and expanding streets, thoroughfares, alleys, pedestrian ways, sidewalks, median openings, bridges, intersections, and other public ways of the City, including streetscaping, street lighting, signage, right-of-way protection, and related storm drainage improvements; acquiring and upgrading equipment for such purposes; acquiring vehicles and heavy equipment for cleaning and maintaining streets; designing, constructing, acquiring and installing signalization and transportation improvements; acquiring, constructing and upgrading computerized signal and traffic control management system and other traffic controls; and acquiring land and interests in land in connection therewith, in and for the City; said bonds to mature serially over a period of not to exceed forty (40) years from their date, to be issued in such installments and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the City Council under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?"

The proceeds from the sale of said bonds will be authorized to be expended on cost of issuance and the following projects and acquisitions:

District	Project Name	Project Amount	Project Description
3	Airway	\$468,197	Preparation of engineering feasibility study for proposed extension of Airway from Gateway Blvd East to Delta.
2	Alabama	\$2,195,053	Street and drainage improvements on Alabama from Fred Wilson to McKelligon.
6	Billy the Kid, Phase I	\$1,685,995	New roadway construction of Billy the Kid from Zaragosa to Carnes.
7	Bowen	\$833,162	Street and drainage improvements on Bowen.
3	Cedar Grove, Phase 10	\$234,128	Street and drainage improvements on Mimosa from Carolina to Durrill.
3	Cedar Grove, Phase 11-12	\$878,100	Street and drainage improvements on Alpha from Carolina to Tejas School gate and on Elder from Alpha to Sequoia.
3	Cedar Grove, Phase 1-9	\$7,306,175	Street and drainage improvements on Ironwood from Wisteria to Wisteria, on Wisteria from Carolina to dead-end, on Aspen from Alpha to Wisteria, on Mango from Alpha to Wisteria, on Papaya from Alpha to Wisteria, on Cherry from Alpha to Wisteria, on Baywood from Alpha to Wisteria, on Alpha from Carolina to dead-end, and on Carolina from Alameda to Mimosa.
8	Central Business District Phase III	\$2,556,375	City match (20%) of TxDOT project, Street and drainage improvements on Franklin from Campbell to Santa Fe, on Mesa from Main to San Antonio, on Mills from Campbell to Mesa, on Oregon from Main to IH-10, on Stanton from San Antonio to IH-10, and on Santa Fe from Paisano to Border Highway.
7	Dorbandt	\$1,115,646	Street and drainage improvements on Dorbandt from Alameda to Davis.
6	General Street Improvements	\$226,406	Street improvements to include street lighting, signal & flasher installation, and median landscaping; priorities and locations as approved by City Council.
5	George Dieter	\$1,802,884	Landscaping of medians on George Dieter from Montwood to Montana.

3	Hawkins	\$1,000,000	City match for right-of-way acquisition for TxDOT project involves street and drainage improvements on Hawkins from IH-10 to FM 76.
7	Indian Place	\$1,845,635	Street and drainage improvements on Indian Place from San Jose to Forrest Haven.
8	Ladrillo	\$52,676	Design of street and drainage improvements on Ladrillo.
4	Landscaping & Parkway Beautification, Phase I	\$3,048,222	Landscaping and other such improvements of medians and double frontage parkways in District IV.
5	Lee	\$2,098,690	City match (20%) of TxDOT project for street and drainage improvements on Lee from Montana to Pratt (two outer lanes).
2	Marshall	\$119,587	Rehabilitation of existing bridge on Marshall into Fort Bliss Military Reservation.
1	Montoya Heights, Phase I	\$2,805,683	Includes master drainage study and construction of earthen dam, outlet structures and conduit at Phase I area of Coates & Johannssen.
1	Montoya Heights, Phase II	\$3,355,150	Provides a new detention basin with dam for Phase II area of Coates & Johannssen, and includes concrete spillways.
5	Montwood	\$925,000	Street and drainage improvements on Montwood from Zanzibar to Brian Mooney (half-cost).
7	Montwood	\$923,485	Street and drainage improvements on Montwood from Zanzibar to Brian Mooney (half-cost).
5	Montwood	\$1,715,945	Median landscaping on Montwood from McRae to Loop 375.
4	North Park Drainage	\$2,856,901	Concrete-lining of drainage channel from Diana to Salisbury, from Wren to Joe Herrera, and from Hondo Pass to Railroad.
4	Northeast Diversion Channel #2	\$1,994,490	Construction of a new concrete-lined channel west of the North-South Freeway.
2	Open Space Enhancements	\$1,540,271	Grading and xeriscaping of City open areas and public rights-of-way; priorities and locations as approved by City Council.
7	Pasodale	\$171,991	Concrete paving of intersections on Pasodale at Yale and Greggerson.
5	Pebble Hills	\$1,715,945	Median landscaping on Pebble Hills from Yarbrough to Loop 375.
6	Roseway	\$4,149,759	Street and drainage improvements on Roseway from Zaragosa to Carnes.
Citywide	Sign replacement	\$700,000	Replacement program for directional, street name, and other regulatory signs.
7	Signal & flasher installation	\$30,000	Includes: traffic signal installations as warranted, each at an approximate cost of \$100,000; and safety flashers at school locations,[at a joint cost participation agreement of 40% (City) and 60% (School District).]
8	Signal & flasher installation	\$518,893	Includes: traffic signal installations as warranted, each at an approximate cost of \$100,000; and safety flashers at school locations,[at a joint cost participation agreement of 40% (City) and 60% (School District).]
Citywide	Signal & flasher installation	\$1,100,000	Includes: traffic signal installations as warranted, each at an approximate cost of \$100,000; and safety flashers at school locations,[at a joint cost participation agreement of 40% (City) and 60% (School District).]
Citywide	Street resurfacing program	\$7,000,000	Resurfacing of existing streets; priorities and locations submitted to and approved by City Council.
2	Street resurfacing program	\$2,980,100	Resurfacing of existing streets; priorities and locations as approved by City Council.
7	Street resurfacing program	\$1,134,803	Resurfacing of existing streets; priorities and locations as approved by City Council.
8	Street resurfacing program	\$2,538,545	Resurfacing of existing streets; priorities and locations as approved by City Council.
8	Sunland Park	\$705,000	City match (20%) of TxDOT project; forstreet and drainage improvements on Sunland Park from Doniphan to the Texas/New Mexico state line (expansion to four lanes).

Citywide	Unpaved Rights-of-way	\$1,500,000	Property acquisition, design and construction of unpaved residential and arterial streets, including overwidth-paving reimbursements for new growth areas. Project priorities as approved by City Council.
2	Unpaved Rights-of-way	\$2,548,626	Property acquisition, design and construction of unpaved residential and arterial streets, including overwidth-paving reimbursements for new growth areas. Project priorities as approved by City Council.
8	Unpaved Rights-of-way	\$2,000,000	Property acquisition, design and construction of unpaved residential and arterial streets, including overwidth-paving reimbursements for new growth areas. Project priorities as approved by City Council.
1	Upper Valley	\$3,588,522	Construction of four-lanes on Upper Valley from Country Club Road to Romer Ray Drive. Includes bike lanes, striping, traffic signage, streetlights, utilities, bus pads, and surface drainage.
7	Verdeland	\$147,710	Design of street and drainage improvements on Verdeland from Lomaland to Eastland.
7	Wenda	\$2,068,716	Street and drainage improvements on Wenda from San Jose to Rosedale.
	Capital Acquisitions	\$1,049,000	Acquiring vehicles and heavy equipment for cleaning and maintaining streets.
	Bond Issuance Costs	\$388,534	

PROPOSITION NO. 4

FOR: 16,348 VOTES
AGAINST: 5,423 VOTES

"Shall the City Council of the City of El Paso, Texas, be authorized to issue general obligation bonds of the City in the amount of \$ 11,595,000 for the purpose of providing funds for permanent public improvements, to wit: acquiring, constructing, equipping and furnishing new fire stations; improving, expanding, renovating, relocating, reconfiguring, equipping and furnishing existing fire stations; acquiring land and interests in land in connection therewith; and acquiring ambulances, vehicles and fire fighting vehicles and equipment for the fire department; said bonds to mature serially over a period of not to exceed forty (40) years from their date, to be issued in such installments and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the City Council under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?"

The proceeds from the sale of said bonds will be authorized to be expended on cost of issuance and the following projects and acquisitions:

District	Project Name	Project Amount	Project Description
7	Fire Station #18	\$372,349	Rehabilitation of fire station to include new medic unit bay, and construction of classrooms, restrooms, and new offices.
8	Fire Station #31	\$200,000	Design of new fire station to accommodate ten on-duty personnel at Mesa Park and Mesa.
5	Fire Station #33	\$1,698,036	Construction of new fire station to accommodate ten on-duty personnel at Belfry Park and Nolan Richardson.
4	Fire Station #34	\$1,727,830	Construction of new fire station to accommodate ten on-duty personnel in the area of Dyer and North Angora Loop.
6	New Fire Station	\$1,698,036	Construction of new fire station to accommodate ten on-duty personnel in the area of Loop 375 and Roberta Lynn.

Capital Acquisitions	\$5,844,687	Acquiring vehicles, fire fighting equipment and apparatus, life saving equipment and vehicles, furnishings and communications equipment
Bond Issuance Costs	\$54,062	

PROPOSITION NO. 5

FOR: 14,404 VOTES
AGAINST: 7,338 VOTES

"Shall the City Council of the City of El Paso, Texas, be authorized to issue general obligation bonds of the City in the amount of \$950,000 for the purpose of providing funds for permanent public improvements, to wit: improving, renovating, constructing, reconstructing, expanding, equipping and furnishing the City's public health services facilities; and acquiring vehicles and equipment to promote the public health and safety of the community; said bonds to mature serially over a period of not to exceed forty (40) years from their date, to be issued in such installments and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the City Council under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?"

The proceeds from the sale of said bonds will be authorized to be expended on cost of issuance and the following projects and acquisitions:

<u>District</u>	<u>Project Name</u>	<u>Project Amount</u>	<u>Project Description</u>
8	Henderson Health Center	\$256,500	Roof replacement, conversion to refrigerated cooling system, and remodeling of clerical area.
6	Ysleta Health Center	\$306,000	Roof replacement and conversion to refrigerated cooling system.
	Capital Acquisitions	\$379,318	Acquiring operational equipment, furnishings, vehicles and communications equipment
	Bond Issuance Costs	\$8,182	

PROPOSITION NO. 6

FOR: 12,388 VOTES
AGAINST: 9,040 VOTES

"Shall the City Council of the City of El Paso, Texas, be authorized to issue general obligation bonds of the City in the amount of \$ 200,000 for the purpose of providing funds for permanent public improvements, to wit: designing, renovating, improving and equipping existing city facilities, including improvements to existing city facilities and buildings necessary to improve accessibility thereto and comply with the Americans with Disabilities Act; said bonds to mature serially over a period of not to exceed forty (40) years from their date, to be issued in such installments and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the City Council under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?"

The proceeds from the sale of said bonds will be authorized to be expended on cost of issuance and the following projects and acquisitions:

District	Project Name	Project Amount	Project Description
Citywide	ADA Compliance	\$200,000	Infrastructure improvements on public rights-of-way and City facilities as required per federal mandate (in addition to other public improvement projects). Locations as approved by City Council.

PROPOSITION NO. 7

FOR: 14,161 VOTES
AGAINST: 7,623 VOTES

"Shall the City Council of the City of El Paso, Texas, be authorized to issue general obligation bonds of the City in the amount of \$150,000 for the purpose of providing funds for permanent public improvements, to wit: equipping, furnishing and acquiring vehicles for the municipal zoo and related facilities, said bonds to mature serially over a period of not to exceed forty (40) years from their date, to be issued in such installments and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the City Council under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?"

The proceeds from the sale of said bonds will be authorized to be expended on cost of issuance and the following projects and acquisitions:

<u>District</u>	<u>Project Name</u>	<u>Project Amount</u>	<u>Project Description</u>
Citywide	Capital Acquisitions	\$148,000	Acquiring operational equipment, vehicles, information technology equipment and exhibits
	Bond Issuance Costs	\$2,000	

PROPOSITION NO. 8

FOR: 15,313 VOTES
AGAINST: 6,461 VOTES

"Shall the City Council of the City of El Paso, Texas, be authorized to issue general obligation bonds of the City in the amount of \$535,000 for the purpose of providing funds for permanent public improvements, to wit: acquiring, designing, constructing, improving, renovating, remodeling, expanding, equipping and furnishing libraries and related facilities; and acquiring land and interests in land in connection therewith; said bonds to mature serially over a period of not to exceed forty (40) years from their date, to be issued in such installments and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the City Council under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?"

The proceeds from the sale of said bonds will be authorized to be expended on cost of issuance and the following projects and acquisitions:

District	Project Name	Project Amount	Project Description
7	Lower Valley Branch	\$102,703	Purchase of equipment and furnishings for new branch library.
2	Memorial Park Branch Library	\$225,033	Construction of a City-operated bookstore and coffee shop, and general building rehabilitation.
	Capital Acquisition	\$207,264	Acquiring furnishings, operational equipment, communications equipment, and informational technology equipment

PROPOSITION NO. 9

FOR: 15,551 VOTES
AGAINST: 6,203 VOTES

"Shall the City Council of the City of El Paso, Texas, be authorized to issue general obligation bonds of the City in the amount of \$7,355,000 for the purpose of providing funds for permanent public improvements, to wit: improving, renovating, equipping and furnishing police facilities, including communication systems and computer systems; and acquiring police and public safety vehicles and equipment; said bonds to mature serially over a period of not to exceed forty (40) years from their date, to be issued in such installments and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the City Council under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?"

The proceeds from the sale of said bonds will be authorized to be expended on cost of issuance and the following projects and acquisitions:

<u>District</u>	<u>Project Name</u>	<u>Project Amount</u>	<u>Project Description</u>
Citywide	Capital Acquisitions	\$7,321,085	Acquiring communications equipment, operational equipment, furnishings, vehicles and information technology equipment
	Bond Issuance Costs	\$33,915	

PROPOSITION NO. 10

FOR: 10,225 VOTES
AGAINST: 11,426 VOTES

"Shall the City Council of the City of El Paso, Texas, be authorized to issue general obligation bonds of the City in the amount of \$2,000,000 for the purpose of providing funds for permanent public improvements, to wit: acquiring and constructing permanent public art for display within the City; said bonds to mature serially over a period of not to exceed forty (40) years from their date, to be issued in such installments and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the City Council under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?"

The proceeds from the sale of said bonds will be authorized to be expended on cost of issuance and the following projects and acquisitions:

<u>District</u>	<u>Project Name</u>	<u>Project Amount</u>	<u>Project Description</u>
Citywide	Two Percent for Public Arts	\$1,860,000	Funding for acquisition or commissioning of art for municipal places as authorized by Ordinance No. 15073 adopted by City Council April 9, 2002, and as amended on September 4, 2002
	Bond Issuance Costs	\$140,000	

PROPOSITION NO. 11

FOR: 11,913 VOTES
AGAINST: 9,813 VOTES

“Shall the City Council of the City of El Paso, Texas, be authorized to issue general obligation bonds of the City in the amount of \$7,205,000 for the purpose of providing funds for permanent public improvements, to wit: acquiring cars, trucks, heavy machinery and equipment, maintenance and construction equipment and vehicles, computer hardware and software, communication systems and equipment, including a public safety communication system office equipment and furnishings, various electronic equipment, and storage facilities for various City departments; said bonds to mature serially over a period of not to exceed forty (40) years from their date, to be issued in such installments and sold at any price or prices and to bear interest at any rate or rates as shall be determined within the discretion of the City Council under laws in effect at the time of issuance, and to provide for the payment of the principal of and interest on said bonds by levying a tax sufficient to pay the annual interest on and to create a sinking fund sufficient to redeem said bonds as they become due?”

The proceeds from the sale of said bonds will be authorized to be expended on cost of issuance and the following projects and acquisitions:

<u>District</u>	<u>Project Name</u>	<u>Project Amount</u>	<u>Project Description</u>
Citywide	Public Safety Communication System	\$2,500,000	The 800 MHz system network upgrade for public safety communication. The infrastructure improvements will increase connectivity capacity for voice and data coverage.
	Capital Acquisition Costs	\$4,671,327	Acquiring furnishings, operational equipment, software, information technology equipment and vehicles for various departments.
	Bond Issuance Costs	\$33,673	

(b) That the City Council officially finds, determines and declares the result of said bond election to be that the following PROPOSITIONS have received a favorable majority vote in all respects and have passed: Nos: 1, 2, 3, 4, 5, 6, 7, 8, 9 and 11, and that the following City PROPOSITION did not receive a majority vote and therefore did not pass: No. 10.

3. That the aforesaid bonds that received a favorable majority in the PROPOSITIONS Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9 and 11 may be issued and the aforesaid bond tax may be levied, assessed and collected annually, as voted and as provided by law.

AGAINST: (8,766 VOTES)

Amending Article II of the City Charter, Nominations and Elections, to read in pertinent part as follows:

Section 2.1 City Elections.

. . . B. **Officers Elected.** The qualified voters of El Paso shall, as necessary to fill expired terms, elect the following officers at each regular election: A Mayor, District Representatives, Judges of the Municipal Courts and, until the election of 1989, a City Tax Collector. Each Representative shall be elected from a district and the Mayor and other officers shall be elected from the City at large. Commencing in June 2005, the Judges of the Municipal Courts shall be elected for four year terms and the Mayor shall serve for a term of four (4) years. Commencing in June 2005, any persons elected as Representatives who have held such office for six consecutive years shall serve a two-year term. Persons elected as Representatives from four (4) other Representative Districts, to be identified by the drawing of lots, shall serve for a term of four (4) years. The persons elected as Representatives from the remaining Representatives Districts shall serve an initial two-year term. Thereafter, each Representative will serve a four-year term. Prior to the commencement of terms of office in 1993 there shall be six Representatives. Beginning with the terms of office commencing in 1993, and continuing thereafter, there shall be eight Representatives. Each officer shall hold office during the term for which elected and established herein and until the election and qualification of a successor, unless sooner removed in any manner provided in this Charter.

Section 2.2 Nominations.

. . . A. **Qualifications for Office.** In addition to the requirements prescribed by law, the following shall be the qualifications for City elective offices:

- . . . 5. Candidates for Mayor and Representative shall be eligible for that elective office only when holding that office for a term of four years shall not result in the candidate exceeding the term limitation established in Section 2.2 C. . . .

AMENDMENT NO. 2

FOR (15,136 VOTES)

Shall Section 2.2 of the City Charter be amended to provide that no Mayor or Representative may hold such office for more than a total of ten years throughout their lifetime?

AGAINST (6,679 VOTES)

Amending the Charter of the City of El Paso, Section 2.2. Nominations, to read in pertinent part as follows:

Section 2.2 Nominations.

. . . C. **Limitation.** No Mayor or Representative may hold such office for more than a total of ten years throughout their lifetime.

AMENDMENT NO. 3

FOR (10,741 VOTES)

Shall Section 3.2 of the City Charter be amended to provide that, commencing on September 1, 2004, the monthly base salary for the City Representatives shall be two thousand, five hundred dollars, and the monthly base salary of the Mayor shall be four thousand dollars?

AGAINST (11,026 VOTES)

Amending the Charter of the City of El Paso, Section 3.2. Salaries, to read as follows:

Commencing on September 1, 2004, the monthly base salary for the City Representatives shall be two thousand, five hundred dollars, and the monthly base salary for the Mayor shall be four thousand dollars. The Council shall have the power to increase these salaries by not more than five percent, but such act must be taken at least three months prior to the next general city election and may not take effect until after the inauguration of the next Council. Any proposed salary increase in excess of five percent shall be subject to voter approval, by referendum, conducted at a general City election.

AMENDMENT NO. 4

FOR (11,812 VOTES)

Shall Articles III, IV, V, VI, VII and VIII of the City Charter be amended to adopt a "Council-Manager" form of government instead of a "Strong Mayor" form of government and to enumerate the authority and duties of the Mayor, Council and City Manager?

AGAINST (9,973 VOTES)

Amending Articles III, IV, V, VI, VII and VIII of the City Charter to read in pertinent part as follows:

ARTICLE III THE CITY COUNCIL

Section 3.1. Creation; Composition; Powers and Duties.

There shall be a City Council consisting of District Representatives and the Mayor. The Council shall have legislative powers, and the power and duty to select, direct, and regularly evaluate the City Manager, as well as such other and specific powers and duties as may be provided by law or this Charter.

Section 3.3. Prohibitions.

... B. Nepotism. No person shall be appointed as City Manager or to any City board or commission who, at the time of appointment, is related in the first or second degree of consanguinity or in the first or second degree of affinity to a member of the Council. The words "consanguinity" and "affinity" are, in popular usage, often referred to, respectively, as "blood" and "marriage."

... C. "Lame Duck" Elected Officers Not to Make Contracts.

... 2. From the date of any City general election until inauguration of those elected, neither the Mayor nor the City Council shall make any appointment of a City Manager, or any appointments to any standing or special public boards, commissions or committees of the City, except when in conflict with State law or when due process rights of employees or citizens would be compromised.

Section 3.5. CITY COUNCIL PROCEDURES AND RULES

... E. Veto.

Ordinances and resolutions finally adopted by the Council shall be filed in the office of the City Clerk and signed by the Mayor before they take effect. If the Mayor vetoes the ordinance or resolution, reasons shall be set forth by the Mayor in writing, and the ordinance or resolution with those reasons shall be returned to the Council. However, the Mayor shall not have any veto power over any City

Council action which removes the City Manager. To override the Mayor's veto, three fourths of all of the Representatives must vote in favor of the returned ordinance or resolution, in which event the adopted ordinance or resolution shall become law. If the Mayor shall either fail to approve or object in writing to any adopted ordinance or resolution within five days after it has been filed with the City Clerk, exclusive of the day of filing, it shall become law.

Section 3.9. ORDINANCES IN GENERAL.

. . . B. Legislative Procedure. Except as provided in Section 3.13, an ordinance may be introduced by any Council member at any meeting of the Council. A proposed ordinance must be filed with the City Clerk in sufficient time for inclusion on the agenda for the Council meeting at which it is to be introduced. Upon such filing the City Clerk shall distribute copies to each member of the Council and to the City Manager. . . .

ARTICLE IV THE MAYOR

Section 4.1. POWERS OF THE MAYOR.

A. The Mayor shall be recognized as head of the City government for all ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties except as may be specifically provided in this Charter.

B. The Mayor shall be a member of and preside over the City Council, having the power to propose legislation; represent the City in intra-governmental and intergovernmental relationships; appoint with the consent of the Council the members of citizen advisory boards and commissions; make appointments and perform duties pursuant to federal and state law; present an annual state of the City message, break tie votes, veto legislation except for any City Council action which removes the City Manager, convene the Council in special session and perform other duties specified by the Council.

Section 4.2. DUTIES OF THE MAYOR.

A. Under the authority of the Council, the Mayor shall sign all lawful acts of the Council, such as ordinances, resolutions, conveyances, grant agreements, plats, contracts and bonds. The Council may by ordinance provide that additional designated officials may sign such acts of Council on behalf of the Mayor, as provided by law.

B. The Mayor shall have the sole authority to appoint and remove the Mayor's Executive Secretary and Executive Assistant(s).

ARTICLE V CITY MANAGER

Section 5.1. APPOINTMENT; QUALIFICATIONS; COMPENSATION.

The City Council by a majority vote of its total membership shall appoint a City Manager and fix the Manager's compensation. The City Manager shall be appointed solely on the basis of executive and administrative qualifications. The Manager need not be a resident of the City at the time of appointment but shall establish residence in the City within sixty days after the date of appointment.

Section 5.2. POWERS AND DUTIES.

The City Manager shall be the chief administrative officer of the City, responsible to the Council for the administration of all City affairs placed in the Manager's charge by or under this Charter. The City Manager shall:

- (1) Take personnel actions regarding employees as authorized under this Charter, except as provided by law or by any agreement with the County of El Paso with respect to City-

- County Health and Environmental District employees. The City Manager may authorize department heads to exercise these powers with respect to their subordinates;
- (2) Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law;
 - (3) Attend all City Council meetings. The City Manager shall have the right to take part in discussion but shall not vote;
 - (4) See that all laws, provisions of this Charter and acts of the City Council, subject to enforcement by the City Manager or by employees subject to the Manager's direction and supervision, are faithfully executed;
 - (5) Prepare and submit the annual budget and capital program to the City Council;
 - (6) Submit to the City Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year;
 - (7) Make such other reports as the City Council may require concerning the operations of City departments, offices and agencies subject to the City Manager's direction and supervision;
 - (8) Keep the City Council fully advised as to the financial condition and future needs of the City;
 - (9) Make recommendations to the City Council concerning the affairs of the City;
 - (10) Provide support to the offices of the Mayor and the Representatives; and
 - (11) Perform such other duties as are specified in this Charter or may be required by the City Council.

Section 5.3. REMOVAL.

The City Manager may be removed by a resolution approved by the majority of the total membership of the City Council, with or without cause.

Section 5.4. ACTING CITY MANAGER.

By letter filed with the City Clerk, the City Manager shall designate a City employee to exercise the powers and perform the duties of City Manager during the Manager's temporary absence or disability. The City Council may revoke such designation at any time and appoint another employee of the City to serve until the City Manager returns.

Section 5.5. INTERFERENCE WITH PERSONNEL OR ADMINISTRATION.

Except for the purposes of investigations under Section 3.8 and inquiries, the members of the Council shall deal with City employees who are subject to the direction and supervision of the City Manager solely through the City Manager, and neither the Council nor any of its members shall give orders to any such employee, either publicly or privately. Neither the Council nor any of its members shall in any manner control or demand the appointment or removal of any City employee whom the City Manager is empowered to appoint, but the Council may express its views and fully and freely discuss with the City Manager anything pertaining to appointment and removal of such employees.

ARTICLE VI CIVIL SERVICE

Section 6.2-2 UNCLASSIFIED SERVICES.

The unclassified services shall include only the following positions:

... I. The City Manager.

Section 6.3-1. APPOINTMENT.

... D. Appointment of classified and unclassified department heads, excluding the City Attorney, will be made by the City Manager, subject to confirmation by a majority of the entire Council.

Section 6.2-3. REMOVAL OF UNCLASSIFIED PERSONNEL.

After the effective date of this Charter Amendment, except as otherwise provided by law or in this Charter, unclassified personnel may be removed by the City Manager, or by the department head with approval of the City Manager, except for hearing officers and the Commission Recorder, who may be removed only by a majority vote of the commissioners, present and voting, based on a quorum of five.

Section 6.3-2. REMOVAL.

- A. **For Cause.** After the effective date of this Charter Amendment, department heads may be removed or demoted from their positions in the Civil Service for cause by the City Manager for any of the specifications set forth in Article VI, Section 6.13-3, of this Charter. In such a case, the department head may appeal to the Commission as provided in Article VI, Section 6.13-4.
- B. **For Good of Service.** In addition, department heads who were appointed after the effective date of this Charter may be removed by the City Manager for any reason or reasons which will promote the good of the service and the efficiency of the department affected, or the City Manager may specifically demote the department head to a grade at or below that formerly held in the City Civil Service. If removed or demoted after serving twelve months, the department head may appeal to the Council and demand in writing that the City Manager file written reasons for the removal or demotion with the Council. To perfect an appeal, written demand must be made by the department head within ten days after receipt of notice of the removal or demotion. The Council shall hold a hearing on the department head's appeal within fifteen days from receipt of the written charges from the City Manager. Pending the hearing, the Council may suspend the department head from office. At the hearing the department head shall be reinstated unless a majority of the entire Council affirms the action taken by the City Manager. The action taken by the Council shall be final.

ARTICLE VII PUBLIC FINANCE

Section 7.2. BUDGET.

The budget must present a complete financial plan for the fiscal year. The elements listed below must be included:

- A. **Message.** The City Manager's budget message shall encompass a statement of fiscal policy, and a projection of income and expenditures for the current year.
- B. **Summary.** A general budget summary, with supporting schedules, shall reflect all material income and expense figures for a balanced budget.
- C. **Estimates.** The City Manager shall estimate anticipated income and expenditures and shall explain significant deviations from the preceding year's budget.
- D. **Debt.** The City Manager shall state the extent of the bonded debt and the amounts in debt service funds.
- E. **Resolutions.** The City Manager shall attach the proposed budget resolution; and any other resolutions or ordinances required to effectuate the budget.

Section 7.3. BUDGET PROCEDURES.

The procedures here stated shall govern adoption of the annual budget and the appropriations of monies pursuant thereto.

- A. **Department Estimates.** Annually, but not later than June 1, administrative units of the City shall transmit estimates of their budgetary requirements and descriptions of their work programs to the Office of Management and Budget and to the City Manager. The work programs shall include all requested appropriations for the departments' operation and maintenance, including capital equipment, construction, and acquisition. . . .
- G. **Balanced Budget.** If at any time during the fiscal year, the City Manager ascertains that available income for the year, including fund balances, will be less than total appropriations,

the Council shall reduce those appropriations so that expenditures will not exceed income. Expenditures in excess of gross revenues during the fiscal year are prohibited.

ARTICLE VIII ADOPTION AND TRANSITION

Section 8.7. TRANSITIONAL PROVISION TO THE 2004 AMENDMENTS.

Amendments to this Charter that are approved at an election on February 7, 2004, create a new system of government that requires an orderly transition. Accordingly, the following transitional provisions shall apply:

A. Amendments to Articles III, IV, V, VI and VII relating to a Council-Manager form of government shall take effect on September 1, 2004. Until such amendments become effective, the provisions of Articles III, IV, V, VI, and VII of the City Charter shall remain in effect. All other amendments approved take effect as provided by law.

B. On September 1, 2004, the position of Chief Administrative Officer shall be abolished and the person appointed to that position shall be automatically removed, provided however, that on and after September 1, 2004 and until such time as the Council appoints a City Manager or other Interim City Manager, the person serving as Chief Administrative Officer on August 31, 2004 shall serve as Interim City Manager and shall have the powers and duties of the City Manager. Upon the appointment of the City Manager, the Interim City Manager shall be automatically removed.

C. Notwithstanding any other provision of this section, no amendment that is approved at the election on February 7, 2004 shall be effective unless and until the Voting Rights Section of the Civil Rights Division of the United States Department of Justice issues a letter interposing no objection to the implementation of the amendment, if voting rights review is required for the amendment.

AMENDMENT NO. 5

FOR (15,760 VOTES) Shall Section 7.20 of the City Charter be amended to provide that disbursements of funds may be made by check or electronic means and that checks in the amount of twenty-five thousand dollars or more shall be countersigned by the Mayor?

AGAINST (5,871 VOTES)

Amending the Charter of the City of El Paso, Section 7.20. Disbursement Of City Funds, to read as follows:

Section 7.20. DISBURSEMENT OF CITY FUNDS.

All disbursement of City funds shall be by check or electronic means, signed by the Comptroller and countersigned by the City Clerk or other designees of the City Council. The Mayor shall countersign all checks in the amount of twenty-five thousand dollars or more.

AMENDMENT NO. 6

FOR (15,819 VOTES) Shall Section 6.13-11 D of the City Charter be amended to provide that the City shall have the authority to contract with the Firemen and Policemen Pension Fund to make an additional, one-time contribution solely for an under-funded liability, subject to such terms and conditions as the City may require?

AGAINST (6,143 VOTES)

Amending the Charter of the City of El Paso, Section 6.13-11. Pension Plans, to add the following to read in pertinent part as follows:

Section 6.13-11 D Firemen and Policemen Pension Fund of El Paso.

- C. **Firemen and Policemen Pension Fund of El Paso.** . . . Notwithstanding the foregoing, the City shall have the authority to contract with the Firemen and Policemen Pension Fund to make a one time contribution (either in lump sum or installments) to the Firemen and Policemen Pension Fund solely for an under-funded liability as of December 31, 2003 or the date of contribution, under such conditions as the City in its sole discretion may require and provided that (a) such authority, action and/or contribution complies with the Firemen and Policemen Pension Fund plan documents and all applicable statutes, laws, rules and regulations, and (b) a binding written agreement between the City and the Firemen and Policemen Pension Fund has been reached regarding (i) the amount of such under-funded liability, if any, (ii) the amount to be contributed by the City for such under-funded liability, and (iii) procedures (including, if necessary, amendments to the Firemen and Policemen Pension Fund plan documents) for managing the Firemen and Policemen Pension Fund on a going forward basis.

- (b) That the City Council officially finds, determines and declares the result of said City Charter Amendment election to be that the following City Charter Amendments have received a favorable majority vote in all respects and have carried: Nos: 1, 2, 4, 5 and 6, and that the following City Charter Amendment did not receive a majority vote and therefore did not carry: No. 3.

3. That on file in the City Clerk's Office and made a part hereof by reference are copies of the mechanical precinct tabulations of the votes cast at the 2004 City Charter Amendment Election showing the number of votes cast in each precinct.

4. That this Resolution was read once by the City Council and was deemed by said City Council that upon passage of the Resolution it shall take effect immediately.

This Resolution shall be spread upon the minutes of the City Council, and the City Clerk shall record the amendments so adopted in the separate book kept in her office for such purpose. The Mayor shall certify the adoption of said amendments to the Secretary of State in accordance with Section 9.007 of the Texas Local Government Code.

Ms. Richarda Duffy Momsen, City Clerk, read the resolution into the record.

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

Representative Power was not present for the vote.

.....
Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to approve the 2003 annual report of the El Paso Police Department pertaining to their analysis of the race and ethnicity information collected in conjunction with traffic stops, as required by Article 2.132, Code of Criminal Procedure. (2003 Annual Report on file in the City Clerk's Office)

Representatives Power and Escobar were not present for the vote.

Interim Police Chief Richard Wiles commented on the El Paso Police Department's Racial Profiling 2003 Annual Report and stated that the El Paso Police Department noted no racial profiling for the year 2003. He added that the Department received no complaints regarding racial profiling for that year.

RESOLUTION

WHEREAS, the City awarded Contract No. 2003-200 to PEDUS Services, Inc. on September 30, 2003, for Janitorial Services for City/County Health District; and

WHEREAS, the City Council finds that the Company is in default of the provisions of the Contract; and

WHEREAS, pursuant to Section C 8B of the Contract (Cancellation for Default) and Section C #21 Additional Remedy for Health or Safety Violations of the Contract, the City is authorized to terminate the Contract in the event of default by the Company; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Director of Purchasing is authorized to notify PEDUS Services, Inc. that the City is terminating Contract No. 2003-200 pursuant to the provisions and requirements of Section C 8B and Section C #21 Additional Remedy for Health and Safety Violations of the Contract Clauses due to default of PEDUS Services, Inc. and that the termination shall be effective as of February 17th 2004.

Mr. Byron Johnson, Director of Purchasing, explained that the contractor was unable to comply with the contract and stated that the Department was terminating the contract for cause.

Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to approve the above Resolution.

Representatives Austin and Escobar were not present for the vote.

.....
The following Ordinance was discussed simultaneously with the Resolution that the Pre-Qualification Requirements and Procedures, as related to the Selection Procedures for Architects, Engineers and Land Surveyors, is hereby approved by the City Council of the City of El Paso.

ORDINANCE 15693

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 2 (ADMINISTRATION AND PERSONNEL), CHAPTER 2.88 (ARCHITECT-ENGINEER SELECTION COMMITTEE), OF THE EL PASO MUNICIPAL CODE, TO REVISE THE EXISTING PROCEDURES TO ENUMERATE A NEW SELECTION PROCEDURE.**

Action then took place on the amended ordinance, with the five incorporated amendments.

Ms. Lisa A. Elizondo, City Attorney, and Mr. Raymond Telles, Assistant City Attorney, gave legal advice.

Ms. Patricia Aduato, Deputy CAO for Building and Planning Services, gave a Powerpoint presentation (on file in the City Clerk's office) and thanked Ms. Irene Ramirez, Interim Deputy Director of Engineering and Mr. Raymond Telles, Assistant City Attorney, for their assistance. She answered questions from and responded to comments made by the Council Members.

Mr. Jim Martinez, Chief Administrative Officer, gave administrative advice.

Representative Cook requested clarification regarding the evaluation factors and commented on the necessity of RFQs for geotechnical and materials testing.

Ms. Irene Ramirez, Interim Deputy Director of Engineering, answered the questions of Council.

Ms. Adaauto suggested revising Section 2.88.120 "exempting geotechnical firms"

Mr. Phil Rothstein, Bath Engineering, suggested revisions to the Ordinance language regarding the prequalification packets, open-ended contracts and the word "rotation".

Mr. Alex Woelper, Encon International Inc., requested that the Resolution regarding the pre-qualification requirements and procedures be postponed and requested modifications to the geotechnical and materials testing selection procedures. He suggested El Paso follow a template of other Texas cities, for example Austin, regarding the geotechnical and materials testing. He suggested the City select four to six geotechnical and materials testing firms, pre-qualify those firms and utilize those same firms on a rotating basis. He answered questions from and responded to comments made by the Council Members Austin and Cushing.

The following individuals spoke in support of the Ordinance:

Mr. Terry Bilderback, President of the El Paso Chapter of the Texas Council of Engineering Companies and principal and firm owner in Parkhill, Smith and Cooper, spoke in favor of the Ordinance;

Mr. John Carson, SF Associates Architects, spoke in favor of the Ordinance;

Mr. John C. Karlsruher, President of CSA Consulting Engineers, spoke in favor of the Ordinance, commented on removing elected officials from the A&E Selection Committee, and requested that firms submit annual "Statements of Qualifications";

Mr. Jose Rodarte, Huitt-Zollars, spoke in favor of the Ordinance;

Mr. Hector de Santiago, Parkhill, Smith & Cooper, Inc. and member of the Executive Committee of The American Institute of Architects, spoke in favor of the Ordinance;

Mr. Robert Parker, Minjares Mora Architects, past President of the El Paso Chapter of The American Institute of Architects, spoke in favor of the Ordinance as amended;

Amendment No. 1

Motion made by Representative Cook, seconded by Representative Cushing to amend Section 2.88.120 - . . . **"exempting geotechnical firms"**.

Ms. Ramirez suggested adding the language "and materials testing" following the word geotechnical.

Representative Austin suggested revising Section 2.88.120 to read in the last sentence prior to time sensitive insert **"routine geotechnical and materials testing or time sensitive situations"**. Representative Cook accepted Representative Austin's amendment.

AYES:	Representatives Austin, Cushing, Lozano, Cook, Power and Cobos
NAYS:	None
ABSENT:	Representative Rojas
NOT PRESENT:	Representative Escobar

The motion passed.

Amendment No. 2

Motion made by Representative Cushing, seconded by Representative Cobos and unanimously carried to revise Section 2.88.020 - . . . **"annual renewal shall be required"**.

AYES: Representatives Austin, Cushing, Lozano, Cook, Power and Cobos
NAYS: None
EXCUSED: Representative Rojas
NOT PRESENT: Representative Escobar

The motion passed.

Representative Cook addressed Section 2.88.060B and requested that one of the three members of the A&E Legislative Review Committee be made a part of the Selection Committee, on a rotating basis, and that the rotating member make public a disclosure of financial contributions since the last financial campaign report filing.

Representative Lozano stated that Council Members should not be made a voting member; however, requested that Council Members be allowed to participate in discussions when projects are in their respective districts.

Representative Cobos concurred with Representative Cook's request; however, requested that the Council Members be included in the Selection Committee when projects affect their districts. He moved to postpone one week. Representative Cook seconded.

Motion to Postpone

Motion made by Representative Cobos, seconded by Representative Cook to postpone one (1) week:

AYES: Representatives Cook and Cobos
NAYS: Representatives Austin, Cushing, Lozano and Power
EXCUSED: Representative Rojas
NOT PRESENT: Representative Escobar

The motion to postpone failed 4-2.

Mayor Joe Wardy, Representatives Power and Cushing disagreed with Representative Cobos' comment regarding a Council Member's inclusion in the A & E Selection Committee.

Representative Austin explained that Section 2.88.100 language addressed the appeal process.

Motion made by Representative Lozano, seconded by Representative Cushing to approve the Ordinance.

Representative Cushing withdrew his second to allow Representative Austin to make further amendments to the Ordinance.

Amendment No. 3

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to revise Section 2.88.030(B) Notice to Pre-Qualified Firms: by adding . . . **"where a submittal is required,"** the City Engineer shall send notice" and to revise Section 2.88.030(C) Submittals: to insert the following language at the beginning of the paragraph - **"Where a submittal is required,"** . . .

AYES: Representatives Austin, Cushing, Lozano, Cook, Power and Cobos
NAYS: None
EXCUSED: Representative Rojas
NOT PRESENT: Representative Escobar

The motion passed.

Amendment No. 4

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to revise Section 2.88.020 Pre-Qualification of Firms.: . . . **"The information presented shall objectively demonstrate that the firm has the capacity to perform at or above the standards set by such profession and by the city in its contracts."**

AYES: Representatives Austin, Cushing, Lozano, Cook, Power and Cobos
NAYS: None
EXCUSED: Representative Rojas
NOT PRESENT: Representative Escobar

The motion passed.

Amendment No. 5

Motion made by Representative Austin, seconded by Representative Cushing and unanimously carried to revise Section 2.88.120 Requirements Agreements. . . . **"The City *shall* use the procedures set forth in this chapter in order to enter into *any* Requirements Agreements", striking the following sentence. (in the proposed Ordinance), and adding . . . "materials testing, *scoping*, or time-sensitive situations".**

AYES: Representatives Austin, Cushing, Lozano, Cook, Power and Cobos
NAYS: None
EXCUSED: Representative Rojas
NOT PRESENT: Representative Escobar

The motion passed.

Mr. Bilderback made comments addressing the point system in Section 2.88.070.

Amendment No. 6

Motion made by Representative Cobos, seconded by Representative Cushing and to revise Section 2.88.070 Evaluation Factors – Project Plan as recommended by Representative Cushing:

- | | | |
|--------------------------------|------|---------------------|
| 1. Responsive to Scope of Work | (25) | (Proposed revision) |
| 2. Project Team | (15) | (Proposed revision) |
| 3. Value Engineering Projects | (10) | (Proposed revision) |
| 4. Other Project Issues | (10) | (Proposed revision) |

AYES: Representatives Cushing, Lozano, and Cobos
NAYS: Representatives Austin, Cook, and Power and Mayor Joe Wardy to break the tie
EXCUSED: Representative Rojas
NOT PRESENT: Representative Escobar

The motion failed.

The City Clerk called for further public comment. There was no further public comment.

Motion to approve Ordinance with the five incorporated amendments.

Motion duly made by Representative Lozano, seconded by Representative Cushing, that the Ordinance be **adopted as amended**. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano and Power
NAYS: Council Members Cook and Cobos Absent: Council Member Rojas

Representative Escobar was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is **hereby adopted**.

.....
Motion made by Representative Lozano, seconded by Representative Cushing and unanimously carried to postpone two (2) weeks an Ordinance amending Title 18 (Buildings and Construction) of the El Paso Municipal Code, by amending Chapter 18.02 (Building and Construction Administrative Code), by adding Section 18.02.101.4.9 (Third Party Plan Review & Inspection Services), amending Section 18.02.103.7 (Fees) and amending Sections 18.02.108 (Inspections) to provide for the review of permit documents and the performance of inspections by approved third party companies. The penalty being as provided in Section 18.04.107 of the Code.

NOTE: This Ordinance was considered together with the Staff Report on the City's Capital Improvements Program review, including a public call for project nominations.

.....
ORDINANCE 15694

The City Clerk read an Ordinance entitled: **AN ORDINANCE GRANTING A SPECIAL PRIVILEGE TO JOHN GEOSKE TO TEMPORARILY CLOSE A PORTION OF CINCINNATI AVENUE BETWEEN MESA STREET AND STANTON STREET FOR A "FAT TUESDAY", CELEBRATION ON TUESDAY, FEBRUARY 24, 2004 AND WEDNESDAY, FEBRUARY 25, 2004.**

Representative Austin explained that the Ordinance was to approve the street closure and noted that an amplification permit had not yet been placed on the Council agenda.

Mr. Raymond Bonilla, Building Permits and Inspections Department, commented.

The City Clerk called for public comment. There was no public comment.

Motion duly made by Representative Austin, seconded by Representative Lozano, that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Austin, Cushing, Lozano, and Power
NAYS: Council Members Cook and Cobos Absent: Council Member Rojas

Representative Escobar was not present for the vote.

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

.....

*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance authorizing the City of El Paso to enter into a lease agreement with REM Golf Inc., for the purpose of operating a golf driving range with a clubhouse on a portion of Tract 1A, Block 1, Ascarate Grant, El Paso, El Paso County, Texas.

.....
*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance changing the zoning of a Portion of Tract 36, Rosedale Farms No. 4, El Paso, El Paso, County, Texas (7515 Franklin Drive) from R-3 (Residential) to C-4 (Commercial) and imposing certain conditions. The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. ZON03-00070. Applicant: Richard Delgado / Representative: Luis de la Cruz, 9013 Lait, El Paso, TX 79925.

.....
*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance authorizing the City of El Paso to enter into a Joint Use Agreement with Wal-Mart Store East, Inc. for the purpose of granting each party certain easement rights and to undertake certain obligations in connection with a portion of Lot 5, Block 11, Vista Del Sol Unit 2, City of El Paso, El Paso County, Texas and a portion of Tract 3, Block 1, Ascarate Grant, City of El Paso, El Paso County Texas.

.....
Motion made by Representative Cobos, seconded by Representative Lozano and unanimously carried to postpone two (2) weeks the public hearing to determine if the property located at 1413 E. Nevada Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. First investigated July 24th, 2003. The owner of this property, Cristina Ramirez Gaytan, 11325 Lake Nemi Drive, El Paso, Texas 79936, has been notified of the violations at this property. Delinquent taxes in the amount of \$10,576.29.

Representative Escobar was not present for the vote.

Mr. Eugenio Gaytan, Jr., son of property owner, requested a two week postponement and noted that the delinquent taxes would be paid when the property was sold.

.....
Motion made by Representative Cobos, seconded by Representative Power and unanimously carried to postpone two (2) weeks the public hearing to determine if the property located at 3303 Frutas Avenue, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished. The owner of this property, Margarita Alvarez, 3544 East Glen Drive, #B, El Paso, Texas 79936, has been notified of the violations at this property. Delinquent taxes in the amount of \$7,713.03.

Representative Escobar was not present for the vote.

.....
ADDITION TO THE AGENDA

*Motion made, seconded and unanimously carried to delete the Resolution that the City Attorney be authorized to sign a Professional Services Letter of Engagement by and between the City of El Paso and Paul A. Braden, Attorney at Law, and Delgado, Acosta, Braden & Jones, P.C. to provide professional legal services in connection with City of El Paso general bond matters.

.....
Motion made, seconded and unanimously carried to move to the regular agenda the following:

RESOLUTION

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the City Attorney be authorized to sign a Professional Services Letter of Engagement by and between the City of El Paso and Paul A. Braden, Attorney at Law, and Delgado, Acosta, Braden & Jones, P.C. to provide professional legal services in connection with general bond matters involving the El Paso Water Utilities and the El Paso Public Service Board.

Representative Cook questioned Ms. Lisa A. Elizondo, City Attorney, regarding the Agreement.

Ms. Elizondo, City Attorney, provided legal advice.

Motion made by Representative Lozano, seconded by Representative Austin and carried to approve the above Resolution.

AYES: Representatives Austin, Cushing, Lozano and Cobos
NAYS: Representatives Cook and Power
NOT PRESENT: Representative Escobar
EXCUSED: Representative Rojas

.....
*Motion made, seconded and unanimously carried to appoint George Andritsos to the Ethics Review Commission by Mayor Joe Wardy.

.....
Motion made by Representative Cook, seconded by Representative Cobos and unanimously carried to reconsider the board appointment of Demetrio Jimenez to the Fair Housing Task Force by Mayor Joe Wardy.

Motion made by Representative Cobos, seconded by Representative Lozano to approve the appointment of Demetrio Jimenez to the Fair Housing Task Force by Mayor Joe Wardy.

Motion made by Representative Cook, seconded by Representative Power and carried to postpone one (1) week the board appointment of Demetrio Jimenez to the Fair Housing Task Force by Mayor Joe Wardy.

AYES: Representatives Austin, Cook, Power and Mayor Wardy
NAYS: Representatives Cushing, Lozano and Cobos

Motion to postpone one (1) week passed. Mayor Wardy voted AYE to break the tie.

Representative Cook questioned the board appointment of Demetrio Jimenez to the Fair Housing Task Force.

.....
*Motion made, seconded and unanimously carried to appoint Ramy Martinez to the Civil Service Commission by Representative Jose Alexandro Lozano, District 3.

.....
*Motion made, seconded and unanimously carried to appoint Elma Schwartz to the Civil Service Commission by Representative Paul J. Escobar, District 6.

.....
Motion made by Representative Cobos, seconded by Representative Lozano and not carried to postpone one (1) week the discussion and action on the City of El Paso 2005 federal appropriations priorities.

AYES: Representatives Cushing, Lozano and Cobos
NAYS: Representatives Austin, Cook and Power
NOT PRESENT: Representative Escobar
EXCUSED: Representative Rojas

Motion to postpone one (1) week failed due to the lack of the Mayor's presence to break the tie.

Motion made by Representative Cook, seconded by Representative Austin and not carried to approve the City of El Paso 2005 federal appropriations priorities.

AYES: Representatives Austin, Cook and Power
NAYS: Representatives Cushing, Lozano and Cobos
NOT PRESENT: Representative Escobar
EXCUSED: Representative Rojas

Motion to approve failed due to the lack of the Mayor's presence to break the tie.

Motion made by Representative Cook, seconded by Representative Power and carried to approve the City of El Paso 2005 federal appropriations priorities, listed below: (backup on file in the City Clerk's Office)

1. Regional Superlab
2. Bus Fleet Modernization
3. Homeland Security
4. Project ARRIBA

AYES: Representatives Austin, Cook, Power and Mayor Wardy
NAYS: Representatives Cushing, Lozano and Cobos

Motion to approve passed. Mayor Wardy voted AYE to break the tie.

Mr. Rick Armendariz, Governmental Affairs Officer, provided information to Council.

Representatives Lozano, Cobos, Cook, and Austin asked questions and/or made comments.

.....
*Motion made, seconded and unanimously carried to postpone two (2) weeks the discussion and action concerning the removal of mature trees from Historic Memorial Park and the failure of those employees and/or agents of the Parks and Recreation Department of the City of El Paso involved in the referenced actions to provide clear and unambiguous responses to address the founded concerns of residents and neighborhood groups.
.....

Motion made by Representative Cobos, seconded by Representative Austin and unanimously carried that the City Council retire into **EXECUTIVE SESSION** at 1:45 p.m. pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Representative Escobar was not present for the vote.

Section 551.071 CONSULTATION WITH ATTORNEY
Section 551.072 DELIBERATION REGARDING REAL PROPERTY
Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074 PERSONNEL MATTERS
Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

- A.** Discussion and Action on Cause No. 20040D00180, Court of Inquiry. (551.071)
B. Discussion and Action on City Attorney's Authority to Deny Certain Claims. (551.071)

Motion made by Representative Cobos, seconded by Representative Cook and unanimously carried to adjourn the Executive Session at 2:20 p.m. and reconvene the meeting of the City Council, during which time motions were made as follows:

Representatives Lozano, Power and Escobar were not present for the vote.

No action was taken on the following executive session item: Discussion and Action on Cause No. 20040D00180, Court of Inquiry.

.....
No action was taken on the following executive session item: Discussion and Action on City Attorney's Authority to Deny Certain Claims.

.....
Motion made by Representative Cook, seconded by Representative Cushing and unanimously carried to adjourn this meeting at 2:21 p.m.

Representatives Lozano, Power and Escobar were not present for the vote.
.....

APPROVED AS TO CONTENT:



Richarda Duffy Momsen, City Clerk